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32

TABLE OF CONTENTS

PAGE

1. 'NOT THIS WAS SPOKEN BY THE BUDDHA'
   BY T. M. P. MAHADEVAN 1

2. FUNDS AVAILABLE FOR INCREASED PRIVATE EXPENDITURE IN THE TRANSITION PERIOD
   BY C. W. B. ZACHARIAS 6

3. JUDICIAL CONTROL OF MUNICIPAL ADMINISTRATION
   BY V. VENKATA RAO 20

4. BOOK REVIEWS 36

SUPPLEMENT

GOD AND PROGRESS II 25
MILLER ENDOWMENT LECTURES
BY D. GURUMURTI 25–40

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'NOT THIS WAS SPOKEN BY THE BUDDHA'

(naitad buddhena bhāṣitam)

BY

T. M. P. MAHADEVAN

In the penultimate verse of the Alātaśānti—prakaraṇa, Gauḍapāda says 'Not this was spoken by the Buddha'. The verse reads as follows :—

kramate na hi buddhasya jñānaṃ dharmeṣu tāyinaḥ
sarve dharmās tathā jñānaṃ naitad buddhena bhāṣitam.

(The knowledge of the perfectly knowing one does not relate itself to objects ; so also all objects, and likewise knowledge. This was not spoken by the Buddha.) Here the Acārya speaks of the state of the enlightened one which is supra-relational, being devoid of the distinctions of cogniser, object cognised, and cognising process ; and he adds that this was not taught by the Buddha.

I

Professor Vidhushekhara Bhattacharya, in whose opinion Gauḍapāda is an advocate of the adoption of the doctrines of the Idealistic Schools of Buddhism by his Vedāntist followers, gives his own interpretation of the verse in question which fits well into his theory. According to him, Gauḍapāda only endorses the declaration made in the Buddhist works, when he says 'This was not stated by the Buddha.' The Bauddha writers declare that the Buddha never uttered a word.[1] Between the night on which he acquired enlightenment and the night on which he attained parinirvāṇa, not even a single syllable the Tathāgata spoke. The speech of the Buddha is no speech.[2] The dharma which is without a syllable—how can it be heard, and how can it be taught? If it is heard or taught, it is only after superimposing words on what is without words.[3]

Now why do the Bauddha writers say that the Buddha taught nothing? Prof. Bhattacharya gives the following two reasons: (i) *pratyātmadharmatā*, i.e. the supreme truth has to be realised by each one intuitively, and not through instruction from another. The paramārtha is inexpressible by words. The Buddha, therefore, did not say anything in fact, though, people, according to their own dispositions, think that he taught particular doctrines. (ii) *Paurāṇasthitidharmatā*, i.e. the true nature of the elements of existence remains ever the same, and does not depend on the appearance or disappearance of the Tathāgata. So, it is declared

[1] *Mūlamadhyamakakārikā*, xx, 25:
sarvopalambhopaśamaḥ prapañcopaśamaḥ śivaḥ,
na kvacit kasyacit kaścid dharmo buddhena deśitaḥ.

[2] *Tathāgatasūtra* quoted in the Vṛtti on the *Madhyamakakārikā*, xx, 25:
avacanaṃ buddha-vacanam.

[3] Bhagavat quoted in *Madhyamaka-vṛtti*, p. 264.

that the Buddha did not utter even a single word. It is this truth, according to Prof. Bhattacharya, that is taught by Gauḍapāda when he declares 'This was not said by the Buddha '.

Before we attempt to interpret Gauḍapāda's statement in a way which appears to us to be most reasonable, let us understand what the Bauddha writers mean when they say that the Buddha taught nothing. Two modes of understanding their statements are possible, the absolutistic and the nihilistic. The absolutistic interpretation is that silence is the genuine teaching about the ultimate Reality, because the Absolute is beyond the reach of speech and thought. This is indistinguishable from the Upaniṣadic conception; and Mahāyānism received it from the Upaniṣads. The other interpretation is that, since nothing is real, the Buddha and what he said are also unreal. This is the logic of nihilism carried to its conclusion. Nihilism itself is śūnya.

Now, according to both the interpretations, the Buddha did not say anything; his speech was non-speech. But Guaḍapāda's statement is not to that effect. He does not say that the Buddha did not declare *anything*, but only that *this* was not spoken by him. By the *this* he means the supra-relational state of the wise one which the verse celebrates as also the general teaching of the *Kārikā* as a whole. Gauḍapāda has purposely employed Buddhist terminology in the Alātaśānti-prakaraṇa, and there is every chance of the unwary student mistaking what is taught there for the Bauddha doctrine. And so, to safeguard himself against such a possible misconception, he says 'Not this was spoken by the Buddha.'[1]

Commenting on these words, Śaṅkara observes, 'This supreme non-dual Reality which is devoid of the distinctions of knowledge, object known, and knower, was not taught by the Buddha, though the postulation was made (by him) of pure knowledge which excludes external objects and wears a semblance to the non-dual Reality. This supreme non-dual Reality, however, is to be known from the Vedāntas alone.' Ānandagiri explains this further in his gloss thus: 'The truth here propounded is the pure consciousness (jñaptimātra) which is free from all difference, is all-full and devoid of beginning and end, and is to be understood solely through the Upaniṣads. In the other school (viz. Buddhism), however, it is not thus. Hence, how can there be the doubt regarding confusion between the two schools of thought?'

[1] Sir S. Radhakrishnan says, 'He (Gauḍapāda) seems to have been conscious of the similarity of his system to some phases of Buddhist thought. He therefore protests—rather overmuch—that his view is not Buddhism'. See *Indian Philosophy*, Vol. II, p. 463.

Also Prof. N. B. Purohit's paper 'The Gauḍapāda-kārikās and Buddhism' in the *Proceedings and Transactions of the Eighth All-India Oriental Conference*, Mysore, 1935, p. 380: 'The straight meaning of the words, *naitad Buddhena bhāṣitam*. in IV, 99, would be that Buddha never taught that the Absolute was the final reality, though such a teaching verging on Advaita conception of the absolute Brahman or Ātman is ascribed to him by the different Mahāyāna schools of Buddhism.

Upaniṣadbrahmayogin gives a different interpretation of Gauḍapāda's statement which is not very convincing, although it has the merit of rendering the word 'buddha' uniformly, with the other instances where it occurs in the fourth prakaraṇa, as meaning the enlightened, in general, and not Gautama the Buddha. This is what he says: 'The knowledge which was taught by the Buddha, viz. the knower of the supreme truth, is not this which consists of the triple factors (knower, object known, and process of knowing). It was shown by him that jñāna is pure consciousness which is established to be free from the triple factors.'

The term 'buddha' both in the singular and the plural is used by Gauḍapāda in the fourth prakaraṇa.[1] Prof. Bhattacharya understands by the term in each case where it is used either the Buddha or his followers. But Gauḍapāda seems to use 'buddhas' in the plural to mean the knowers of truth, in general. The expression means the same as the terms like *manīṣins*, *vedapāragas*, and *vedānta-vicakṣaṇas*, used in the earlier prakaraṇas. In kārikā IV, 99, the word 'buddha' appears twice in the singular. In the first half of the kārikā, it means the knower of truth, and in the second Gautama the Buddha.

The point that is overlooked by Prof. Bhattacharya and others of his way of thinking is that the main object of Gauḍapāda is to expound the philosophy of the Upaniṣads, and that he does not deviate from his purpose even when he adopts the arguments of the Bauddha Idealists and dresses his thought in Buddhist terminology. This is recognised by those teachers of Buddhism who came after Gauḍapāda and who, while referring to his *Kārikā*, do not regard him as a Bauddha or as having been influenced by Buddhism. Śāntirakṣita quotes in his *Madhyamakālaṅkārakārikā* verses from Gauḍapāda's work, while discussing the views of the Aupaniṣadas. Kamalaśīla refers to the *Kārikā* in his *Pañjikā* as an Upaniṣat-śāstra. So, it is clear that the Bauddhas themselves consider the *Kārikā* to be a work on Vedānta. Gauḍapāda is faithful throughout to the Upaniṣads. Even in the Alātaśānti-prakaraṇa where he employs Bauddha terminology to a great extent, he does not cut himself away from the Upaniṣadic moorings.

Why, then, it may be asked, should he have adopted Buddhistic expressions at all? The answer is that the exigencies of his time must have made him use Bauddha terminology, even as the Hindu monks who preach Vedānta in the countries of the West today feel the necessity of clothing their thoughts in Christian expressions.

II

The accusation that a system is not what it professes to be but something else in disguise is a stock offensive weapon in the armoury of philosophical warfare. If the theistic Vedānta brings

[1] IV, 19, 42, 80, 88, 98, 99.

the charge of pseudo-Vijñānavāda or Śūnyavāda against Advaita, it is not impossible for the Advaitin to return the compliment by saying that Vedāntic theism resembles Sāṅkhya or even some form of Buddhism. Keith, for instance, says that while the doctrine of Nāgārjuna, as interpreted by Buddhapālita and Candrakīrti, resembles the Vedānta of Śaṅkara, Bhāvaviveka's exposition of Nāgārjuna shows 'traces of realism comparable to the more directly realistic attitude of Rāmānuja'.[1] After referring to Yāmunācārya's remark that the 'avowed Buddhists' (prakaṭāḥ saugatāḥ) and the 'Buddhists in disguise' (Advaitins) resemble in their view of Reality, Poussin observes, 'It is only just to say that Rāmānuja could hardly avoid the reproach of dualism, and may be styled 'Sāṅkhya in disguise'.[2] Vijñānabhikṣu argues in his *Sāṅkhya-pravacana-bhāṣya* that Advaita is not Vedānta, that it is covert Buddhism or neo-illusionism, and that the followers of this system should properly be classed with the nāstikas.[3] But it will be interesting to note that Sāṅkhya itself is not free from *liason* with the realistic schools of Buddhism. Vyāsa, the commentator on the Yoga-sūtra, is stated to have been strongly influenced by the Abhidharmists.[4] The reality of the past and the future 'is proved by Patañjali and Vyāsa in almost the same expressions that are used by the Sarvāstivādins.' And when accused of drifting into Sāṅkhya, the Sarvāstivādins justify themselves by saying that while they believe in the momentary forces (saṃskṛta-lakṣaṇāni) of production and destruction, the advocates of Sāṅkhya-Yoga do not.[5] Similarly, when the Vijñānavādins are charged with leaning on the side of Vedānta, they answer that they do not believe in a permanent Self as the Vedāntins do. In the *Majjhima-nikāya* Vijñānavāda-Vedānta is condemned by Śākyamuni.[6] So, there is nothing surprising in such charges and counter-charges. The inception and growth of Buddhism in India were not effected in a vacuum. Eminent scholars passed from the orthodox folds into Buddhism and *vice versa*.[7] Buddhism owed a great deal to Upaniṣadic thought, and influenced in its turn the later Vedāntic schools.

That the Buddhistic thinkers freely borrowed from Brāhmaṇic literature will be evident from the following episode in the *Mattavilāsaprahasana*[8], a farce written by the Pallava king Mahendra-vikrama-varman of Kāñcī in the 7th century A. D. One of the

[1] *Buddhist Philosophy*, p. 241.

[2] *J.R.A.S.*, 1910, p. 132.

[3] See the *Sāṅkhya-pravacana-bhāṣya* edited by Richard Garbe (1895) p. 16.

[4] See Th. Stetcherbatsky's *Central Conception of Buddhism* (1923) p. 27.

[5] Ibid., p. 45.

[6] *Majjhima*, i, p. 329: viññānam anidassanaṃ anantam sabbatopabhaṃ.

[7] See J. E. Carpenter: *Theism in Medieval India*, p. 303: 'That Buddhists and Brāhmans should be affected by the same tendencies of speculation can occasion no surprise. They constantly met each other in debate; converts passed from one school into another; they used the same language, if they did not always employ the same terms with precisely the same meanings.'

[8] The present writer's attention to this work was drawn by Dr. V. Raghavan.

characters of the play, a Bauddha Bhikṣu who is unjustly accused by a Kāpālika of having stolen the latter's alms-bowl says, 'Namo Buddhāya'. The Kāpālika proposes an amendment that the Buddhist monk should salute not the Buddha but Kharapaṭa, the promulgator of the cora-śāstra or science of theft; but immediately the Kāpālika corrects himself by saying that in the matter of thieving, the Buddha was a greater hand than Kharapaṭa, as he had built his *Piṭakas* or *Kośas* with the things stolen from the Upaniṣads and the *Mahābhārata*.[1] Though the Kāpālika's accusation is grossly exaggerated, it contains a measure of truth. That is, Buddhism did benefit by and adapt some of the doctrines contained in the Upaniṣads and other Hindu scriptures. And so, it is but natural that there should be resemblances in some respects between the schools of Buddhism and the orthodox systems based on the Upaniṣads. As Prof. Hiriyanna remarks, 'All the different shades of philosophic theory—realistic and idealistic—are found within Buddhism itself; and we have, so to speak, philosophy repeated twice over in India—once in the several Hindu systems and again in the different schools of Buddhism.'[2] It is no wonder, therefore, that a system of Hindu Idealism and a school of Bauddha Idealism should bear doctrinal similarities. But two points are worthy of note in this connection, viz. (1) that Advaita-Vedānta develops its doctrines from the teachings of the Upaniṣads, and not from the conceptions of Buddhism which are also in a way influenced by the Upaniṣads, and (2) that notwithstanding similarities, the conclusions of Advaita differ from what are peculiarly Buddhistic teachings. While for Advaita the Absolute Brahman or Atman is the sole reality, for Vijñānavāda the real consists of several series of momentary ideas devoid of content, and for śūnyavada there is no reality whatsoever. Further, while in Advaita Māyā is a cosmic power accounting for the trans-phenomenal Brahman appearing as the phenomenal world, avidyā in Buddhism is the cause of individual existence, being the first in the chain of causation, and stands for the ignorance of the Four Noble Truths taught by the Buddha.

Thus it will be found that there are significant differences between Mahāyāna Buddhism and Advaita Vedānta. Gauḍapāda who was an illustrious predecessor of Śaṅkara and an eminent Vedāntin has taken all the care to bring out these differences clearly in his *Kārikā*. Since what he accomplishes in his work is a lucid and systematic exposition of the philosophy of the Upaniṣads like the *Māṇḍūkya* and the *Bṛhadāraṇyaka*, he is to be regarded as a lineal descendant of sages like Yājñavalkya, and not of Bauddha teachers like Nāgārjuna and Asaṅga.

[1] See the *Mattavilāsaprahasana* (Trivandrum Sanskrit Series : 55) p. 55: vedāntebhyo gṛhitvā 'rthān yo mahābhāratād api, viprāṇāṃ miṣatām eva kṛtavān kośa-sañcayam.

[2] *Outlines of Indian Philosophy*, p. 198.

FUNDS AVAILABLE FOR INCREASED PRIVATE EXPENDITURE IN THE TRANSITION PERIOD

BY
C. W. B. ZACHARIAS

The most important economic question at issue in the country to-day is whether inflation or deflation is the more probable accompaniment of the transition from war to peace. On this question the general conclusion, with solitary exceptions here and there, seems to be that unless proper measures are adopted a post-war slump is inevitable. The main argument used in the context is that the increase in private expenditure in the transitional period will be insufficient to make good the diminishing Government expenditure on defence. It seems to me, however, that, psychology apart, the objective factors of the situation do not warrant such a conclusion, and so the public announcement of it is not only hasty, but positively harmful.

The inflation potential in this country is certainly not of the same magnitude as in the United Kingdom or the U.S.A. where the saved-up funds equal the national incomes of those countries, but when the savings here are related to defence expenditure which will vanish as demobilization proceeds, or to existing physical capacity for production or to the technique of production, they too would be seen to have a remarkable leaning towards inflation. In this paper I hope to show that on a conservative estimate of the funds available for expenditure in the transitional period the danger of inflation is as great as the danger of deflation.

The funds which are relevant to this question fall into two categories : the funds saved up during the war period by individuals and corporations and the larger margin out of current income available for increasing private expenditure over the war-time scale. In the assessment of the inflation potential this second category, which on examination is seen to be of larger magnitude, is usually neglected. I have excluded the funds available with the Central and Provincial governments from the calculation on the ground that their expenditure is strictly under control and can be properly related to governmental policy. Private funds, on the other hand, in a regime of free enterprise, are utilized in an unco-ordinated fashion and so are sources of disturbance which it should be the aim of policy to properly assess and control.

The accumulated savings of the war period exist in the form of hoarded currency, bank deposits, small savings with the Government, refundable tax payments, corporation reserves and subscriptions to the long-term loans of the Government.

Bank Deposits.

Bank deposits are of two kinds : demand deposits and time deposits. In the statement prepared by the Reserve Bank other kinds of deposits are brought under one of these two on the basis

of the rules observed regarding the withdrawal of funds by various banks. Of these two, time deposits may be treated as genuine savings, but it is very doubtful whether demand deposits may be treated in the same manner. They form the credit counterpart of currency and represent the ready command over wealth in which the community at any particular time keeps part of its income. Some part of the saved-up funds also may for the sake of convenience be kept in that form. To get an accurate idea of the total of accumulated savings it will therefore be necessary to calculate that part of demand deposits in banks which are really idle bank balances.

The total of demand deposits in scheduled and non-scheduled banks for which returns are made, was on 7-9-1945 Rs. 664·5 crores as against Rs. 140·9 crores in 1938–39, an increase of 523·5 crores during the six years of the war. This increase is partly accounted for by the increase in the number of scheduled and non-scheduled banks making returns and partly by the higher price and income levels. The number of scheduled banks increased from 55 in 1938–39 to 84 on 7–9–1945 and non-scheduled banks making returns increased from 604 at the end of 1940 to 613 on 7–9–1945. To make the figures strictly comparable, allowance has to be made for the increase in the number of banks, and for that, some idea of the nature of this increase is necessary. The increase in the number of scheduled banks was largely through the amalgamation of small banks most of which were in the category of non-scheduled banks prior to their amalgamation. So what has really happened is that some of the non-scheduled banks whose deposits were included in the total deposit figure of 1938–39 have since attained the status of scheduled banks. Their transference from one category to the other does not therefore vitiate the deposit figures to be compared. The real addition to the banks making returns has been to the non-scheduled group, and there the increase has roughly been by 38 banks. These are bound to be small banks with no greater deposit than half a crore each. A deduction of Rs. 20 crores to make allowance for them would therefore make the total deposit figures in the two periods comparable. For the purpose of this calculation the increase in the total of demand deposits may thus be placed at Rs. 500 crores.

Out of this Rs. 500 crores provision has to be made for the increased price level, increased population and increased liquidity preference. The command over goods which the community keeps in the form of bank money on the basis of the Quantity Theory must increase proportionately to the rise in the price level. The price index prepared by the Economic Adviser to the Government of India with 1st September 1939 as base was in February 1945 (the lastest figure available) 248·7. Bank money required for this price level would roughly be Rs. 350 crores, or an addition of Rs. 210 crores to the 1938–39 figure. Increased population would require about Rs. 27 crores.

Calculations made by the Reserve Bank of India on the basis of cheque clearing show that velocity had got reduced during the period under review from 15·3 to 9. The question is whether an allowance should be made for this reduction. Any reduction in velocity is essentially symptomatic of the tendency on the part of the community to keep balances idle and if this were the only consideration pertinent to the issue it would hardly be necessary to make any allowance for it. But considering the fact that when incomes rise, that part of income which is kept in the form of ready purchasing power tends to rise more than in proportion to the rise of income, the reduced velocity of circulation may be due to that phenomenon. Increases in demand deposits caused by that factor will not be available for financing increased expenditure in the post-war period, and since the prime purpose of this enquiry is to discover the funds available for that purpose in the transition period, only such funds as are likely to be released should be taken into account. To provide for this phenomenon a sum of Rs. 113 crores may be set apart. It will mean a 30% increase in the balances held by the community over what is required for the maintenance of the price level. This increase should be ample whether we view the increased demand for money as a demand to hold it or as a demand to effect transactions with. If it is a demand to effect transactions, its magnitude will depend upon the increase in the production of goods and services, and that increase cannot have been by more than 30%. After making all these deductions from the total of demand deposits we get the figure of Rs. 165 crores as idle bank balances representing savings.

Time deposits increased from Rs. 119 crores in 1938–39 to Rs. 280·8 crores on 7–9–1945. This increase of Rs. 161 crores is undoubtedly the savings effected during the war period and will be available in the post-war period for financing expenditure. That these have not gone to swell private expenditure in the war period is shown by the figures relating to advances made and bills discounted by banks. Advances made and bills discounted by scheduled banks formed only 26·9% of total deposits as against a pre-war percentage of 49·5, and cash and balances with the Reserve Bank only 14% of liabilities as against 9·5% in 1938–39. This shows that the superstructure of credit raised on these deposits has been of a lower ratio than what prevailed in the pre-war period.

Hoarded Currency.

The estimation of hoarded currency has to be carried out on much the same lines as the calculation of idle bank balances, since both are results of identical desires on the part of the community. Following the method already adopted in the case of bank deposits hoarded currency may be estimated at Rs. 250 crores. Notes in circulation increased from Rs. 182 crores in 1938-39 to Rs. 1,151 crores on 14-9-1945—an increase of Rs. 969·0 crores. The absorp-

tion of rupees and small coin during the war period as declared by the Reserve Bank of India was Rs. 131 crores and Rs. 60·8 crores respectively. Total circulation of notes, rupees and small coin increased therefore from Rs. 357 crores in 1938-39 to Rs. 1532·7 crores on 14-9-1945—an increase of Rs. 1175·7 crores.

This increase is not all accounted for by the rise in the price-level, the increase of population or by the increased cash held by banks and treasuries. The higher price level would require a total currency in circulation of Rs. 887 or roughly Rs. 890 crores calculated strictly on the basis of the Quantity Theory. Increased cash held by banks and treasuries account only for Rs. 34 crores. A provision of roughly Rs. 70 crores would be needed for the increased population. The excess of actual currency in circulation over these amounts, viz. Rs. 540 crores, can be explained only in terms of liquidity preference and hoarding. These two however are indistinguishable from each other, but for the same reason as made us provide for the increased liquidity preference in the case of bank deposits, a proportionate provision should be made here also. It will not however be strictly legitimate to adopt the same percentage of 30 here for the reason that the income groups which hold currency are not identical with those who hold bank money and that among them incomes have not risen in the same ratio as in the case of the richer classes. But considering the fact that there is fuller employment among the poor, that some of them are receiving good wages and salaries in military employment and considering also that the goods and services produced in the country have increased and that there is in existence a black market where currency is almost exclusively used for making payments, a 30% additional provision may be made, i.e. a sum of Rs. 290 crores. Finally therefore we get the amount of Rs. 250 crores as hoarded currency.

Small Savings.

Small savings with the Government, in the Post Office Savings Bank, Post Office Cash Certificates, and Defence Savings Bank, etc. amount to Rs. 158 crores. Of these only the amounts invested in post office cash certificates, post office savings bank and defence savings bank will be available in the period of the transition. Defence Savings Certificates and National Savings Certificates have periods of 10 and 12 years for maturity and so they need not be counted upon. In the case of the post office cash certificates and post office savings bank the war period witnessed decreases. So the only funds out of small savings available for increased expenditure will be the Rs. 8 crores in the Defence Savings Bank. Tax refunds amount to only Rs. 130 crores including refunds on Excess Profits Tax and on Income-tax. They may have increased to a certain extent by now, but exact figures are not available. We may take therefore Rs. 130 crores as the minimum available under this head,

Subscriptions to Government loans.

In addition to these items there are also the subscriptions to the long-term loans of Central and Provincial governments made by both individuals and corporations. To discover these subscriptions bank investments have to be deducted from the total of bonds outstanding, for the reason that they have already figured in the calculation, under the head of bank deposits.

The total subscriptions to long-term loans of the Central Government during the war period, including both the defence loan programme and the sterling repatriation loans, amounted by the end of 1944-45 to Rs. 814 crores. During the same period the permanent debt of the provinces increased from Rs. 15 crores to Rs. 51 crores—that is by Rs. 36 crores. Together therefore they account for Rs. 850 crores.

There is no information available regarding bank investments but some idea as to their magnitude may be got from the total amounts of their investible funds. The total investible resources available with banks may be discovered by deducting from the total demand and time liabilities of banks their total cash reserve, balances with the Reserve Bank, bills discounted and advances made. It is not necessary to deduct the figures relating to the reserve funds of banks which may be invested in gilt-edged, for their inclusion in the calculation of saved-up funds will not involve double counting. On the basis of this calculation the scheduled banks had on 7–9–1945 investible resources amounting to Rs. 475 crores. (Demand and time liabilities, Rs. 891 crores ; cash, Rs. 33 crores ; balances with Reserve Bank, Rs. 114 crores ; Advances, Rs. 256 crores ; bills discounted Rs. 13 crores.) In the case of non-scheduled banks the estimation is rendered difficult by the fact that all the relevant figures are not included in the returns. Their demand and time liabilities amounted on 29–12–1944 to Rs. 53 crores and their cash holdings to Rs. 6 crores, but nothing is known regarding advances, bills discounted or investments. We cannot apportion the available funds equally among all the three for the reason quite manifest in the figures relating to the scheduled banks, that the bill business is not so developed in this country as the other two. The only way to get over the difficulty will be to apportion these funds in the same ratio as is seen in the case of scheduled banks. On that basis their investible resources will be Rs. 28 crores, making a total for both scheduled and non-scheduled banks of Rs. 503 crores. Since the field of investment open to the banks is the total of Government securities outstanding, roughly of the amount of Rs. 1,248 crores, consisting of Rs. 1,212 crores of Central and Provincial bonds and Rs. 36 crores of treasury bills, it is a little difficult to determine what exactly is the share of the banks to the subscriptions to war loans. We may however liberally estimate that 80% of the investible funds of the banks are invested in loans of the war period. We then derive the figure of Rs. 402 crores as bank investments. Deducting this figure from the total

of loans we get Rs. 450 crores of war bonds as held by individual and institutional investors. Among these, insurance companies will figure prominently, as also educational and charitable trusts and endowments. Their contributions will not all be available for meeting expenditure in the transition period, but the contribution made by private individuals and corporations is likely to find its destination in expenditure. That amount has now to be discovered.

Reserve and depreciation funds of corporations may be roughly estimated at Rs. 515 crores. According to the returns made by 545 companies in October 1945,[1] their reserve and depreciation funds amounted to Rs. 244 crores (as against a paid-up ordinary capital of Rs. 125 crores). Assuming that other companies also have reserve funds in the same ratio to paid-up capital as these, for the 9,677 companies in British India in 1937–38 for which year alone the total number of companies in British India is known, with a paid-up capital of Rs. 264 crores, the reserve fund will be somewhere near Rs. 515 crores. Corporation reserve funds exclusive of depreciation funds which are ostensibly built up for meeting replacement expenditure, are usually accumulated from two motives, viz. enterprise and precaution. Of the two, enterprise is much the larger motive, and so we may expect a great part of the reserve funds to be spent in expansion once the opportunity for it is open. On a conservative estimate 75% of the total reserve and depreciation funds may be expected to be spent thus, i.e., a sum of Rs. 386 crores.

But whether we should include this sum as a separate item in the saved-up funds will depend on the form in which these reserves are held. If they are held as cash or as bank deposits they have already been included in hoarded currency or under bank deposits. But if any part is held in the form of Government securities we are entitled to add that as a separate item. It is not likely that much of these reserves will be held either as cash or as bank balances, though just now with uncertainty prevalent in the whole economy larger sums may be held as bank balances to take advantage of any opportunity that suddenly may offer. The greater liquid position of banks just now is a clear indication that they expect sudden withdrawals of large sums without notice. But cash and balances with the Reserve Bank come to only Rs. 153 crores and bills discounted amount to only Rs. 13 crores. If this is the degree of liquidity they maintain against a demand liability of Rs. 600 crores or roughly 24%, the corporation share of these deposits cannot be very large indeed. We are therefore justified in assuming that 75% of the sums accumulated by corporations for replacement and expansion are held in forms other than cash or bank balance. Half at least of that amount may be presumed to be invested in Government securities. That gives us the figure of Rs. 145 crores as the saved-up funds of corporations invested in Government bonds of the war period.

[1] *Commerce*, Oct. 6th, 1945.

This means that out of the Rs. 450 crores of war bonds estimated earlier as held by individual and institutional investors business corporations will account for Rs. 145 crores. Of the remainder of roughly Rs. 300 crores it is reasonable to expect that a quarter is held by individuals. Altogether we may count upon Rs. 225 or 230 crores of Government securities as representing saved-up funds of individuals and corporations. Since these savings are already invested they may not be immediately available for expenditure unless the banks through an appropriate policy release them. This amount may therefore be held as a reserve resource at the disposal of the community.

To sum up, the following items out of accumulated savings will be available for increasing private expenditure in the transition period :—

		Rs.	
1.	Idle bank balances	165	crores
2.	Time deposits	161	,,
3.	Currency Hoards	250	,,
4.	Small Savings	8	,,
5.	Tax refunds	130	,,
	Total	714	or 715 crores
6.	Govt. bonds (Reserve resource)	230	crores

That this estimate of accumulated savings is not in the least exaggerated is clearly seen if we try to estimate them by taking into account only corporation reserve funds, tax refunds and small savings. These alone come to about Rs. 650 crores which is not very different from the 715 crores estimated under the other calculation. We are therefore justified in taking this sum of Rs. 715 crores as the minimum available.

The above calculation does not include small savings deposited in small financial institutions or 'black money' secreted from the tax gatherers. It is not possible to make any estimate of small savings, but 'black money', if there is such a category at all, has found a place in one or other of the items enumerated. In so far as it exists in the form of money it must exist somewhere, most probably in hoards, and provision has been made for including that in the calculation. For the most part however black money has gone to the purchase or building up of physical assets, hidden from block accounts, and since it has already got embodied in physical forms it is no longer available for increasing private expenditure.

Current Income.

But far more important than accumulated savings is the larger margin out of current income available for increasing private expenditure. In estimating that margin the following assumptions may be made; that the existing income level will be stabilized,

that the present level of taxation will continue, that the factors which favoured hoarding or keeping bank balances idle will disappear and that Government borrowing will stop. These assumptions are sufficiently realistic to serve as basis for our calculation.

The savings effected during the final year of the war will be a correct indication of what the community will have in the first year of the peace and annually thereafter for increasing private expenditure over the war-time scale. These savings are subscriptions to public loans *minus* the subscriptions by banks, hoarded currency, the final increase in idle bank balances and time deposits. Subscriptions to war loans during 1944-45, the last complete year of the war period, was Rs. 589 crores and the increase in the permanent debt of the provinces during the same year was Rs. 11 crores. The total long-term borrowing of the governments during that year was thus Rs. 600 crores. This figure appears to be large when compared with the total war-time long-term borrowing of Rs. 850 crores. But it is actually so and is easily explained by the fact that it took time for propaganda to have its full effects and for the inflation of currency to have its influence felt on the income level and the ability of the community to save.

What part of these subscriptions was made by banks and other institutional investors has to be assessed before it is possible to say how much of them will actually contribute towards an increase of expenditure. Investible funds defined as above available with scheduled banks at the end of 1943–1944 were Rs. 354 crores and with non-scheduled banks, calculated in the manner described earlier, on 30–6–44 were Rs. 23 crores—making a total of Rs. 377 crores. Eighty per cent of these may be assumed to be invested in Government Bonds of the war period. That gives the figure of Rs. 301 crores. During the final complete year of the war, 1944 to 45, therefore, bank investments in Government bonds increased only by about Rs. 100 crores, the difference between Rs. 301 crores and Rs. 402 crores, the calculated bank investments at the end of 1943–44 and 1944–45 respectively. This figure has to be deducted from Rs. 600 crores, the total subscriptions to Government loans in 1944–45. The resultant Rs. 500 crores were subscribed by individuals, corporations and institutions. It is not however necessary for our purpose to separately calculate these for the simple reason that whoever saves has to invest and investment in whatever way made and by whomsoever will lead to expenditure. The segregation of bank investments had to be made in order to avoid double counting. The Rs. 500 crores were savings effected during the year out of a given income level and if that income level continues, this amount can be counted upon for investment or for increased consumption.

Idle bank balances and hoarded currency estimated in the manner indicated above were Rs. 20 and Rs. 115 crores respectively at the end of 1943–44 and Rs. 110 and Rs. 200 crores respectively

at the end of 1944–45. That means that the increase in idle bank balances in 1944–45 was by Rs. 90 crores and in hoarded currency by Rs. 85 crores. Additions to small savings with the Government during the year under review were Rs. 29·5 crores and to time deposits in scheduled and non-scheduled banks, Rs. 62 crores. The increase during the year of tax deposits was roughly by Rs. 100 crores. Thus the amounts of money saved by the community in 1944–45 were as follows :—

	Rs.	
Time deposits	62	crores
Idle bank balances	90	,,
Hoarded currency	85	,,
Small savings	30	,,
Refundable tax payments	100	,,
Subscription to Govt. loans	500	,,
Total.	867	crores or 870 crores

Of these six items the last three were savings tapped by the Government, and if the Government should now discontinue borrowing, the funds they represent may either be spent in increasing consumption or investment, but both alike would contribute to an increase in effective demand. It does not at all matter what part of it is normal and what abnormal. Even the normal part of these items during the year 1944 to 45 went to increase not private but Government expenditure and so with the decrease of Government expenditure and the disappearance of the tendency to hoard they will automatically and inevitably go to swell private expenditure. The other three items also represent savings which have as assuredly taken place as the last three. If prices, incomes and employment should remain at existing levels these savings are bound to take place. Changes in the economy which will increase business buoyancy yet leave income levels unchanged will release these funds for expenditure. This conclusion is reinforced by the fact that in 1944–45 nearly 73% of the war expenditure was met out of taxation and borrowing. Inflation of currency was of the modest sum of Rs. 214 crores out of a total expenditure of over Rs. 780 crores. The margin available is therefore of significant magnitude.

This margin will however depend on total income being maintained at the war-time level. The question to be examined therefore is what probability there is of this happening. *Prima facie* it may appear that with the stoppage of recoverable expenditure, which will perhaps come sooner than the stoppage of defence expenditure, and the steady progress of demobilization, the income level will tend to fall by a multiple of the expenditure retrenched. There are however valid grounds for thinking that this will not happen even in the event of Government refraining from substitute expenditure. In the first place, neither recoverable expenditure nor

defence expenditure will stop all on a sudden. Foreign troops retained in India and in the adjacent countries will for sometime at any rate continue to draw their supplies from this country, and the process of demobilization has necessarily to be tapered to suit administrative convenience. Therefore, whatever be the degree of retrenchment it will necessarily be by stages and so its magnitude at any time cannot be such as private expenditure cannot cope with. Secondly, a large part of Government expenditure, both recoverable and defence, in ultimate analysis has been on civilian goods produced within the country and those goods will continue to be produced if civilian demand steps into the breach caused by the withdrawal of military demand. Government expenditure on war goods does not fall into this category, but it is enough if the resources released by the stoppage of war production find full utilization in peace-time production.

Given proper inducements the pent-up demand of the civilian population for consumption and investment will be sufficient to do this. The most significant part of this demand is the one that comes from the dealers to restock inventories. This alone will be appreciable without counting on the transmitted current demand coming from the consumers. If the transmitted demand too is heavy, as it is likely to be in the early period of the transition, from the newly rich and the receivers of higher levels of income, dealers' stocks will be as quickly depleted as they are replenished and the process of restocking will be prolonged. In addition, the pent-up demand for durable consumption and investment goods will surely manifest itself as soon as physical resources are released from military employment. The lack of activity in this direction during the war period was not wholly due to the high level of costs and the system of controls, but partly also due to the non-availability of resources. It may therefore be reasonably expected that investment activity will start in some lines, such as building, cottage industries, agriculture, etc., where expansion is not conditioned by the import of capital goods from abroad.

The funds needed for financing increased civilian expenditure on consumption and investment will in the first instance come (1) from the savings effected during the war period, (2) from deferred pay and bonuses paid to military personnel on discharge and (3) from the savings out of current income effected by those sections of the community whose incomes are not immediately affected by Government retrenchment. Of these three categories the magnitude of the last cannot be estimated, but doubtless will be considerable, of the second will depend on the pace of demobilization and of the first has been calculated above. Category (1) alone will be more than sufficient to fill up gaps in the first instance, even if large slices of Government expenditure get reduced. The manner in which these funds are held clearly indicates that they are only awaiting opportunities for utilization once a state of confidence is restored. It is highly improbable that the distribution in expendi-

ture of these funds will be even throughout the transitional period. On the other hand, the likelihood is that once spending starts, there will be a spurt of activity and a large proportion of these funds will be used up. If half the saved-up funds are thus used in the first year of the transition with additions from the other two categories (not an improbable expectation), the growth in private expenditure will be such as to compensate fully any conceivable diminution in Government expenditure.

If this happens, the income level will be maintained, though there may be slight or even significant changes in the distribution of that income. But distributional changes are irrelevent to the problem on hand. Once the growth of private expenditure succeeds in maintaining the level of income, the process will become self-sustaining and cumulative, and current income will begin to play its legitimate part in off-setting diminutions in war expenditure. This process will go on till the limits imposed by the availability of physical resources and profitable avenues of investment operate. If the economy is conceived as a continuing process constantly adjusting and readjusting and the part played by current income and its expenditure is properly appreciated, the circumstances which usually give rise to an after-war boom can be easily understood.

So, in all the different stages of retrenchment the *possibility* of private expenditure increasing in the required degree is indisputable. When the accumulated savings and the margin out of current income are together taken into account their magnitude will be sufficient to meet all demands. According to the budget of 1945-46 defence expenditure and recoverable expenditure which the Government incurs on behalf of other Allied Governments, amounted only to Rs. 900 crores. Some part of this expenditure, roughly Rs. 200 crores, may be expected to be retained as peace-time defence expenditure. Maximum retrenchment at any stage with which private business will have to cope, will therefore be a fraction of the remaining Rs. 700 crores. This will be more than counterbalanced by the finances available with the community. If to these funds are added bank credits which may be raised on the security of the very greatly increased amount of Government bonds, there can be no question of funds being inadequate for the purpose.

Part of these funds will however go to purchase war surpluses and consumers' goods imported from abroad. To the extent that that happens there will be a reduction in the effective demand for the commodities and services currently produced within the country. In view of the negotiations concluded by the Hydari Mission and the preparations being made by the United Kingdom and the U.S.A. for a speedy reconstruction of their export industries, the probability of a large importation of consumers' goods is very great. With the rupee over-valued on the exchange these imports will come into the market much cheaper than indigenous products, once the shipping position is eased and foreign export industries

start working to capacity. In the early years of the transition however when reconversion of industry is in being, the provision of an outlet for expenditure on imported goods, provided it is not inordinate, will be on the whole beneficial to the economy. It will solve the problem of scarcity to a certain extent.

Just the reverse will be the effect of exportation. Foreign buying power, if utilized in India, will be an addition to the effective demand indigenous to the country and may aggravate the tendency towards inflation. But the circumstance which will make imports cheap, viz. over-valued exchange, will have the effect of making exports dear, thus preventing an inordinate increase there. It is however necessary not to exaggerate the influence of this factor in a world of general scarcity. It is quite conceivable that the foreign demand for India's goods in the immediate post-war period for purposes of relief and rehabilitation will be appreciable in spite of higher prices. Whether imports will match exports and leave the internal situation unchanged cannot be foreseen now. But both imports and exports are capable of regulation in relation to the growth of private industry and can be judiciously used to absorb the shock of an orgy of spending if such should turn out or give a fillip to activity and employment if pessimism should pervade the business community.

Disposal of war surpluses whether of the Government of India or of Allied Governments has the capacity of absorbing buying power. In the early years of the transition these surpluses together with imported goods will provide a channel of expenditure for redundant funds which would otherwise compete for the scarce goods currently produced. Immediately they are not likely to have any depressing influence on the economy, but later, when reconversion of industry progressively takes place, their releases may have to be spread out or altogether suspended. The favourable circumstance attending these surpluses is that they are strictly under control and their disposal may be properly adjusted to the developing situation.

If external factors such as imports and exports cancel out or are made non-effective through appropriate policy, the objective circumstances of the internal situation will be found to have a high inflation potential. To what extent they will actually engineer a process of expansion will however depend upon (1) psychological factors which to a certain extent hinge on governmental policy, (2) the opportunity offered for investment by the availability of capital goods and technical skill and (3) the system of controls in operation.

In this context governmental policy should first of all be directed to the creation of the desirable state of expectation in the business community and to the procurement of capital goods and technical skill from abroad. The prime requisite is a clear enunciation of government's intentions regarding the price level. On no account should the price level be allowed to fall. At the

present time the silence of the Government and the bewildering variety of non-official counsel generate a nervousness regarding the future of prices, and that factor alone will be sufficient to prevent a revival or expansion of activity on private account. Only in the event of failure in the directions indicated above will the Government be called upon to embark upon employment-giving schemes of its own.

It is always possible for the Government to secure physical and financial resources in the requisite degree for its schemes through a rigid administration of controls. But the exploitation of such facility as it has should be subjected to the overriding considerations of preventing a boom and providing adequate opportunities for a concurrent expansion of private industry. Government schemes will no doubt give employment and ensure incomes to a large proportion of demobilized personnel, and if the threat to the economy should be one of deflation and consequent unemployment their execution will be seen to be imperative. But when the objective circumstances are definitely against the probability of deflation, substitute expenditure of the kind under review should be undertaken with care.

Some schemes of national urgency such as irrigational works to facilitate the growth of more food crops, hydro-electric schemes to supply power to industry, railway development to meet the congestion at present experienced, training of skilled labour, etc., may be given effect to immediately. Some other schemes also which will provide employment to those who do not readily fit into the technological set-up of industry may be required. But large scale substitute expenditure which will have the effect of denying the much needed physical resources to private industry must be avoided in the initial stages of the transition.

An expansion of private industry would equally well serve the purpose which the employment-giving schemes of Government are designed to further and will in addition help in the production of larger quantities of consumers' goods. After six years of tightening of the belt it is essential that consumers should be given some relief now. Importation of consumers' goods from abroad would be one way of solving the problem, but the immediate availability of such imports is problematic and we cannot be certain of servicing them with our sterling balances. Even the White Plan which made some kind of provision for their release did not contemplate their unblocking till after three years from the termination of hostilities. In the event of their being not available, exports will have to pay for imports, and for that too, private industry must expand.

From the point of view of providing employment too, the expansion of private industry is the most desirable development. Government substitue expenditure will in effect transfer personnel from one type of Government employment to another, but will make no contribution to their final transference from Government

to private employment. Such transference alone will complete the transitional process, and unless a beginning is made in that direction even now, we would be postponing and not solving the transitional problem.

In view of all this, Governmental policy should be directed to a more liberal administration of controls in order to give free scope for private industry to expand. But the expansion permitted should be such as will in conjunction with Government schemes keep the economy on an even keel and prevent the development of any incipient boom. This requires that Government schemes should in the context of the transition be considered as *alternatives to* and not as *additions to* private industry. The best way to do this is to rely on the orthodox methods of taxation and borrowing to finance them.

JUDICIAL CONTROL OF MUNICIPAL ADMINISTRATION

BY

V. VENKATA RAO

Every organisation, whether Central or Local, is subjected to some sort of control. National Cabinets are controlled at least theoretically by national Parliaments and they in their turn are controlled by the electorate. Similarly local authorities are subjected to a variety of control—Legislative, Judicial and Administrative—in all countries whatever may be their political complexion. They do not, therefore, enjoy such a thing as perfect autonomy. Their organisation, their powers and their activities are all controlled and supervised by outside organisations. In short, they live and grow as designed and ordered by outside authorities. We shall in this paper consider the judicial control exercised over the local authorities, the principles on which and the means by which it is exercised and how far it is effective.

Legal Liability of Municipal Authorities.—The principle that municipal authorities are liable for the acts of their servants was settled in the middle of the nineteenth century. They can be sued for misfeasance and non-feasance. 'If, as Coke contended, it has no soul to be ex-communicated, it has now a mind to which malice may be imputed. If it has no body to be beaten, it can beat and be made to pay the penalty in an action for assault and battery. It can be indicted not only for non-feasance but also for misfeasance'.[1]

From the above, it is evident that municipal authorities are in no better and in no worse position than other commercial organisations. Nonetheless, unlike the commercial agencies, they enjoy a certain amount of immunity from legal action in virtue of their statutory position. We are often told by courts that Municipal authorities are not liable for non-feasance in the case of statutory duties. That is, if any private person suffers any special damage because of the failure of a municipal council to perform its statutory duties, he cannot sue the council concerned. For example, a municipal council is not liable to any one who has suffered a damage as a result of its failure to construct a new system of drains which is a statutory duty. This does not mean that municipal councils are completely immune from all legal action. They are liable for non-feasance when it takes the form of an omission to act when they are in duty bound to act. For example, if a municipal council constructs an air raid shelter in the middle of a road and leaves it without properly lighting it, with the result that

[1] Introduction by Prof. Morgan in Robinson, *Public Authorities and Legal Liability*, p. 7.

some one falls into it and is injured, the municipal council concerned is liable as any other private person and it cannot escape by pleading the statutory nature of duty. In such cases the negligence of the muncipal council takes the form of misfeasance,[1] and the local authority may be sued for damages.

It may be argued that municipal authorities have no powers except those given by the legislature and the legislature has given them no authority to commit wrongs. Therefore local authorities cannot be held liable for the acts of its servants. But inasmuch as a municipal council is a fictitious person distinct in law from its members, it is not capable of acting except through its agents. All the acts and therefore all the wrongful acts of a municipal council are in fact the acts of its agents. 'Every act done, authorised or ratified on behalf of a Corporation by the supreme governing authority of that Corporation or by any person or body of persons to whom the general powers of the Corporation are delegated, is for the purpose of the law of torts an act of the Corporation itself whether *intra vires* or *ultra vires* of the Corporation, and the Corporation is liable accordingly for that act or for any tort committed in respect of it by any agent or servant of the Corporation within the scope of his authority or employment'[2]

The need for judicial control.—When people congregate in a particular place they give rise to many problems for solution. The behaviour of one may affect the rights of another. Similarly, the activities of one municipal council may injure the rights of another and thus give rise to conflicts. To resolve such conflicts—especially those involving points of law—there should be an independent authority like the judiciary. Further, municipal councils, guided by communal and sectional considerations may behave in a manner prejudicial to the community as a whole. Under such circumstances a need may be felt to restrain the municipal council concerned by judicial action.

Secondly, a remarkable feature of the present-day municipal administration is the endowment of immense powers in the municipal councils to decide questions of a kind which were formerly referred to courts of law. A great majority of the matters with which they deal are of great importance and a good number of their decisions are as conclusive and binding as those of the formal courts of law. The centre of gravity has shifted from the judiciary to administration. These immense powers afford opportunities for corruption and unfair dealings. Further the supervising

[1] The distinction between non-feasance and misfeasance is this. Non-feasance is said to be an offence of omission while misfeasance is a misdeed or trespass; also the improper performance of some lawful act. For instance, if a council is endowed with power to perform some act, they must perform it in such a manner as not to interfere with a legal right vested in another. If a municipal council negligently permits a quantity of metal to remain by the road-side for an unreasonable time with the result that someone's carriage is overturned, the municipal council is liable to judicial action.

[2] Salmond *Law of Torts*, p. 78.

authorities are far away from the municipal councils and local affairs may appear to them to be trifling. It is therefore essential that there should be an independent authority like the judiciary to see that law is properly interpreted and that the individuals are protected from the petty tyrannies of municipal authorities.

Basic principles of control.—The courts as such do not enjoy unbridled freedom to interfere in the affairs of municipal authorities. Judicial control on the other hand is based on certain principles. What are they?

Firstly, as long as an administrative department has acted or appears to have acted within the authority given to it by statute, the courts should refrain from enquiring whether it has exercised its discretionary powers soundly. This principle has been clearly stated in Roberts *v.* Hopwood. Lord Sumner said:

> Much was said at the Bar about the wide discretion conferred by the Local Government Acts on the local authorities. In a sense this is true but the meaning of the term needs careful examination . . . . There are many matters which the courts are indisposed to question; though they are the ultimate judges of what is lawful and what is unlawful, they often accept the decisions of local authorities simply because they are themselves ill-equipped to weigh the merits of one solution of a practical question as against another; this, however, is not a recognition of the absolute character of the local authority's discretion but the limits within which it is wise to question it. There is nothing about a council that corresponds to autonomy. It has great responsibilities but the limits of its powers and of its independence are such as the law mostly statutory may have laid down and there is no presumption against the accountability of the authority. Everything depends upon the construction of the sentences applicable.[1]

Secondly, where the municipal councils entrusted with judicial functions have exercised them *bona fide,* not influenced by extraneous or irrelevant considerations the courts will not interfere. This principle was laid down as early as 1911 in Board of Education *v.* Rice. Lord Loreburn said:

> I need not add that the Board of Education must act in good faith and fairly listen to two sides, for that is a duty lying upon any one who decides anything. But if the court is satisfied that the Board have not acted judicially in the way I have described above or have not determined the question which are required by law, the courts may interfere.[2]

This principle was restated in another case in 1915 by Viscount Haldane. The noble Lord said:

> My Lords, where the duty of deciding an appeal is imposed, those whose duty it is to decide it must act judicially. They

[1] Roberts *v.* Hopwood, A. C. 1925, p. 606-7.
[2] Board of Education *v.* Rice. 1911 A. C. 179.

must deal with the question referred to them without bias and they must give to each of the parties the opportunity of adequately presenting the case. The decision must be come to in the spirit and with the sense of responsibility of a tribunal whose duty it is to mete out justice[1]

But where discretion is exercised in an arbitrary manner, or without jurisdiction, the courts may step in and check the municipal council concerned. This principle was laid down in Metropolitan Asylum District *v.* Hill. The facts of the case were the appellants had erected a hospital near the residential quarters of the respondents for the reception of persons suffering from small-pox and other infectious and contagious diseases and thus committed nuisance. The appellants pleaded the statutory nature of duty. The court held that the local authority did not exercise its discretion properly. Blackburn J. said:

Where legislature directs that a thing shall at all events be done, the doing of which if not authorised by the legislature would entitle any one to an action, the right of action is taken away. . . . The legislature has very often interfered with the right of private persons but in modern times it has generally given compensation to those injured, and if no compensation is given, it affords reason, though not a conclusive one, for thinking that the intention of the legislature was, not that the thing should be done at all events but that it should be done, if it could be done without injury to others. It is clear that the burden lies on those who seek to establish that the legislature intended to take away the private rights of individuals, to show that by express words and by necessary implication such an intention appears [2].

Thirdly, statutes creating duties frequently prescribe a particular procedure for the performance of those duties. As long as the authority concerned observes the procedure and acts within its jurisdiction, it is immune from judicial interference. But as soon as it ventures outside its jurisdiction it immediately becomes exposed to the chill winds of legal liability and the immunity fades away more quickly than the setting sun.

Fourthly, the courts do not interfere as long as municipal authorities do not commit an act of misfeasance. For example, on the 26th September 1940, one Mr. Fox while riding on a cycle at about 9.30 p.m. during the black-out days ran into an air raid shelter which had been erected by the Newcastle-upon-Tyne Corporation under the authority conferred by section 9 (i) of the Civil Defence Act, 1939. The plaintiff sustained injuries to his

[1] Local Government Board *v.* Arlidge. 1915 A. C., 120. In this case Lord Moulton said, 'The Ministry of Health need not act in a purely judicial capacity. Nevertheless, it should act in a judicial temper and must treat the matter in a judicial spirit.

[2] Metropolitan Asylum District *v.* Hill. 6. A.C.203-8. See also Mohammad Mohideen Sait *v.* Municipal Commissioner for the City of Madras. 25 I.L.R.M. 118.

cycle, clothing and person and claimed damages on the ground that the accident was caused by the neglect of the Corporation in failing to light it or to paint it white. The Corporation denied the charges and took objection that action was not maintainable as there was no duty on them which they had failed to discharge. The King's Bench held that as there was no duty or obligation upon the Corporation to light the shelter either under Statute or under common law the suit was dismissed [1].

Fifthly, Courts are prohibited by statutory provisions from interfering with certain classes of cases. But where there is no such exclusion the local authorities may be compelled by the courts to act within their jurisdiction.

Finally, courts should not interfere with the decisions of the municipal authorities on the ground that the reports and records, on the basis of which orders were issued, were not disclosed and that the procedure usually followed in the Courts of Law has not been observed in deciding the case. This principle has been clearly stated in Local Government Board *v.* Arlidge. In that case it was stated that the municipal authorities need not follow the procedure usually followed in the courts of law. They may follow any procedure they think fit. They need not administer oath and need not examine witnesses. They may obtain information in any way they think fit, so long as the parties are given an opportunity to cover and contradict statements likely to prejudice them. Lord Shaw of Dunfermline paying particular attention to the contention of Mr. Arlidge that he was denied access to the reports of the Inspector on the basis of which the final decision of the Local Government Board rested said:

> This demand is a grotesque one. And I feel certain that if it were laid down in courts of law that such disclosures could be compelled, a serious impediment might be placed upon the frankness which ought to obtain among a staff accustomed to elaborately detailed and often most delicate and difficult tasks. The very same argument would lead to the disclosure of the whole file. It may contain and does frequently contain the views of inspectors, secretaries, assistants, and opinions may differ but all of which form the material for the ultimate decision. . . . and the disclosure of such reports would be inconsistent with efficiency, with practice and with true theory of complete parliamentary responsibility for departmental action. [2]

We have so far seen the circumstances under which the courts of law interfere with the discretionary functions of municipal authorities. We shall now consider the means by which redress is secured to the individual sufferers. Before we proceed with that we shall note the procedure to be observed before taking a legal action against a municipal authority.

[1] Fox *v.* Newcastle-upon-Tyne. 1941. 2 K. B. 121
[2] Local Government Board *v.* Arlidge. 1915 A. C. 120

Procedure.—Under Section 350 of the Madras District Municipalities Act, a suit for damages or compensation may be instituted against 'the municipal council, or any municipal authority, officer or servant or any person acting under the direction of the same, in respect of any act done in pursuance or in execution or intended execution of any rule or bye-law regulation or order' subject to the following conditions. Firstly every such suit should be commenced within 6 months after the date on which the cause of action arose. Secondly, a notice stating the cause of action and the relief sought should be delivered or left at the municipal office and wait for a month's time so that the defendant may tender amends to the satisfaction of the plaintiff. Lastly, the sanction of the provincial Government should be obtained before taking any action against the Chairman, every councillor or the executive authority for any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty. Further the Provincial Government, the District Collector, the Revenue Divisional Officer, the Chairman, the Executive authority and every officer or servant are indemnified against legal liability in respect of anything done in good faith.[1]

Means of Judicial Control.—The judicial remedies available to the public have been classified by Dr. Jennings into two, ordinary and prerogative.[2] Ordinary remedies are declaration, injunction and damages. Prerogative remedies are *certiorari* and *mandamus.* The above five are the most important means by which the courts exercise control over municipal authorities.

Declaration.—According to Section 42 of the Specific Relief Act any person entitled to any legal character or to any right as to any property may institute a suit against any person denying or interested in denying his title to such character or right. The object of this section is to perpetuate and strengthen the title of the plaintiff so that any adverse attack may not weaken it. The policy of the Legislature is not only to secure to an aggrieved party a right taken away from him but also to see that he is allowed to enjoy that right peacefully. In other words, if a cloud is cast upon his title or legal character he is entitled to seek the aid of the court to dispel it. If some step is not taken at once to have all the doubt and difficulty removed it may at a latter time be difficult for the plaintiff to prove his title. Evidence now forthcoming may not be available hereafter. This remedy is therefore designed to make things clearer and prevent future litigation. It confers no new rights. All that it does is that it clears up the mist that has been gathering round the plaintiff's title.

This section may be invoked for the declaration of the plaintiff's right to vote and stand as a candidate for a municipal election or that he was duly elected; or that the order of the Returning

[1] Sections 337, 352, 353, 353-A of the Madras District Municipalities Act, 1920.
[2] Jennings, *Local Government Law,* p. 253.

93183

Officer summarily rejecting a nomination is wrong; or that a particular election is invalid; or that the assessment of a piece of property is *ultra vires* of the powers of the municipality.

The conditions under which a declaratory decree may be granted are, the plaintiff should, at the time of the suit, be entitled to any legal character or to any right as to any property and the defendant should have denied or is interested in denying this character or right. Therefore the plaintiff should show to the satisfaction of the court that he is entitled to the legal character or right and that the defendant is denying such character or right.

It should, however, be said that the issue of a declaratory decree is within the discretion of the courts. It is not granted as a matter of right. The courts may refuse to pass a declaratory decree where the real object of the plaintiff is to evade stamp laws; or where the plaintiff is entitled to get relief in some other effective way; or where the case is of such a nature that the decree if passed might immediately be rendered nugatory by an action of the defendant; or where it is not of practical use or where it will not render substantial relief; or where there is no substantial injury; or where the suit is filed with a fraudulent intention.

Injunctions.—The next means by which courts control the municipal administration is by means of injunctions. An injunction is a 'judicial process by which one, who has invaded or threatening to invade the rights, legal or equitable, of another is restrained' from committing such wrongful acts. Injunctions have been classified into two, temporary and perpetual. Temporary injunctions are issued with a view to preserve the property in dispute in *status quo* until further orders. Perpetual injunctions are issued after considering the merits of the case. It prohibits the defendant from the assertion of a right. It is in effect a decree and concludes a right.

The conditions under which an injunction may be granted are as follows. The plaintiff asking for an interim injunction must make out a strong *prima facie* case and satisfy the court that its interference is necessary to protect him from the irreparable damage that will result if the injunction is not granted. The mere prospect or apprehension of injury or mere belief that the act complained of may or will be done is not sufficient [1]. There are two ways by which a strong *prima facie* case can be made out. There must be an indisputable proof of imminent danger. Secondly, it should be shown that the apprehended damage will, if it comes, be very substantial and irreparable. That is, the injury would be material and not adequately reparable by damages.

The issue of injunctions is, however, subject to certain limitations and the courts should observe them before issuing injunctions. They are, firstly, an injunction should not be granted to persons whose conduct and dealings in the matter have been unfair

[1] Muhammad Meera *v.* Doraiswamy Nadar. 1926. M.W.N. 582.

and dishonest; secondly, where a particular procedure is fixed for the trial of suits and if the procedure excludes the issue of injunctions, they should not be issued. For example, an election was held on 22-2-1922 for the election of a municipal councillor to represent the 12th ward on the Trichinopoly Council. One Mr. Venkatachala Chettiar was declared elected and the defeated candidate Mr. Sesha Ayyar contested the validity of the election by an election petition. While the suit was pending decision, the defeated candidate requested the District Judge to grant an interim injunction restrainig Mr. Chettiar from taking his seat in the Council, which was accordingly granted. But according to Section 51 (3) of the District Municipalities Act a Councillor declared to have been elected shall be entitled to act as if he were not disqualified until unseated by a judicial decision. From the above it is evident that an elected councillor should not be restrained by any act from taking his seat in the council. The High Court of Madras therefore held that the issue of an interim injunction by the District Judge was quite contrary to the procedure prescribed in the Statute and the rules made thereunder.[1] Thirdly, injunctions should not be granted when an equally efficacious relief can be obtained by some other means. Finally courts are prohibited from issuing interim injunctions restraining an Election Officer from preparing or publishing an electoral roll or from conducting elections.[2]

Damages.—The next means by which municipal administration is controlled by courts is by awarding damages to the person injured. Damages are rupees, annas and pies won by an encounter at law. The loss or injury for which compensation is exacted may be irreparable; it may be so personal or vital that a pecuniary equivalent is unthinkable. And yet the device of righting a wrong by the payment of money is as old as any other human institution.

At one time it was held that corporate bodies should not be sued for acts of negligence or torts committed by their servants. It was contended that 'if the thing done is within the statute no compensation can be afforded for any damage sustained thereby except so far as the statute itself had provided it; . . . if the thing done is not within the statute, why should the public funds be liable to make good private error or misconduct'. This principle was not accepted by the House of Lords. In Mersey Docks Trustees *v.* Gibbs Blackburn J., said:

> If the Legislature directs or authorises the doing of a particular thing, the doing of it cannot be wrongful; if damage results from the doing of that thing it is just and proper that compensation should be made for it.

It is now an established fact that public funds may be made liable for the injury caused in executing powers conferred by statute.

[1] Venkatachala Chettiar *v.* Sesha Ayyar. 1924. I.L.R.M. 705.
[2] Section 351-B. M.D.M. Act 1920.

Provision is therefore made for the award of damages in the District Municipalities Act. Under Section 350 of the Act a suit for damages or compensation may be instituted against the Council, officer or servant by any person who is affected by their activities. Section 343 empowers the executive authority 'to pay compensation to any person who sustains damage by reason of the exercise of their powers by any municipal authority, officer or servant of any of the powers vested in them by this Act or any other law or by any rule, by-law or regulation under it'. Section 20 of the Town Planning Act makes a similar provision. 'Any person whose property is injuriously affected by any refusal to grant the permission applied for or by making a Town Planning scheme shall if he makes a claim be eutitled to obtain compensation'.

The underlying principle by which courts should be guided in awarding damages is 'that the law shall endeavour, so far as money can do it, to place the injured person in the same situation as if the contract had been performed or in the position he occupied before the occurrence of the tort which adversely affects him'. It should, however, be remembered that this is an ideal which is very rarely attained in practice because the damages awarded are not always commensurate with the loss sustained.

An action for damages can be brought against a municipal council in two ways: Firstly, where a municipal authority commits a wrongful act within the scope of its powers and thus injures the rights of private persons. For instance, municipal councils are empowered to construct and maintain public latrines in suitable places as far as their funds permit. This does not mean that the councils are at liberty to construct the latrines wherever they like. They should be constructed where they will not be a nuisance.[1] Secondly, where the authority fails to carry out a duty which it owes to individuals with the result that those individuals suffer an injury the authority concerned is liable for damages.

An action for damages can be brought against a municipal authority only when it has done something which causes injury in the legal sense. Therefore a person who claims compensation should prove three things, viz., that the authority has exercised its powers; that he was not in default; that he had suffered damage and the amount of damage should be expressed in rupees, annas and pies. It should, however, be said that compensation should be paid out of public funds only when the authority concerned caused damage while performing acts authorised by the Act.

Certiorari.—The fourth means by which municipal administration is controlled is certiorari. The writ of certiorari is issued by the Madras High Court to an inferior court commanding it to send up all records of a specific proceeding before it to the High Court so that the legality may be tested or that more speedy

[1] Madura Municipality V. Natarja Pillai. 1941. M.L.J. 768.

justice may be done. Certiorari is issued to quash judicial decisions of an inferior court.

Before we proceed further it is desirable at this stage to define the word 'court'. The word 'court' must be interpreted in the widest sense possible. The inferior courts to which the writ of certiorari may be issued need not necessarily be courts of law. Any body of persons who have the authority to perform judicial acts is a court. In other words, every decision of a municipal council which has reference to an individual and which involves the exercise of discretion is a judicial determination. A municipal council performing judicial functions is a court and if a decision or proposed decision is *ultra vires* the courts have power to intervene by the writ of certiorari.[1]

What is a judicial act? To know that, it may be contrasted with a ministerial act. For instance, the Narasaraopet Municipal Council simply recorded the facts relating to an election. One Mr. Narasimha Rao moved the High Court of Madras to issue a writ of certiorari to quash the proceedings of the council referred to above. Rejecting the request of the petitioner Ramesam J. said: 'I am unable to see in this the act of any tribunal, judicial or quasi judicial. There was no question of the validity of the voting papers. The council or even the chairman did not even purport to enquire into any matter in dispute or consider it in any manner that can be considered judicial or quasi-judicial. On this ground we dismiss the application'.[2]

The issue of the writ is, however, subject to certain conditions. Firstly, it should be seen that there is no statutory prohibition. Very commonly statutes contain provisions prohibiting the removal of proceedings by the writ of certiorari. For example, the subordinate judge while acting as an Election Commissioner is a *persona designata* and the proceedings in his court should not be removed by the writ of certiorari so long as he acts within his jurisdiction.

Secondly, when a particular procedure is fixed for the performance of certain acts and as long as the public bodies observe the procedure and act within their jurisdiction no writ of certiorari should be issued. For example, the procedure prescribed for the nomination of a candidate for a municipal election is as follows:

[1] Board of Education *v.* Rice. 1911 A.C.

[2] Venkatanarasimharao *v.* Narasaraopet Municipality 60 M.L.J.
See also Rex *v.* Barnstaple justices. 1938. I. K. B.-385. In this case the Devonshire County Council delegated its powers under Section 2 of the Cinematograph Act, 1909, to justices for the boroug of Barnstaple to grant licenses to use particular places for the purpose of Cinematograph theatre. Owing to the absence of any provision in Statute for the granting of provisional licences in respect of buildings not yet constructed a practice grew up of applying to justices to approve plans of the proposed building so that a subsequent application for a licence would be granted as a matter of course when the building was completed. Homphreys J. said, that the justices sitting in those circumstances and hearing and deciding such an application are justices sitting in an extra judicial capacity and their proceedings cannot be controlled either by *Certiorari or Mandamus.*

Nomination papers should be presented to the election officer. A day is fixed for the scrutiny of all nomination papers. The Election Officer should hear all objection on the scrutiny day and dispose of them. A candidate whose nomination has been rejected has a right of appeal to the District Collector. He has therefore no right to move the High Court for the issue of the writ of certiorari to quash the proceedings of the Election Officer on the ground that his decision was wrong. 'He may be wrong in interpreting rules. If he is wrong' said Beasly, C. J., 'then there is a remedy provided by means of an election petition.'[1] In a similar case Wallace, J. said, 'The petitioner is not without remedy. . . . It is argued for him that the remedy which merely allows him to have set aside an election once held is not as efficacious as the one which would enable him to stop the election altogether. . . . In the first place we do not see how the mere fact that the petitioner cannot get his election stopped and has his remedy only after it is over by an election petition will in itself confer any right to obtain a writ' in the face of a particular procedure fixed by the Election Rules.[2]

Finally, sometimes the aggrieved persons are given the right of appeal to a higher court against the decisions of municipal authorities. Wherever this provision is made in the Act or in the rules made thereunder the High Court is prohibited from issuing the writ of certiorari.

The circumstances in which the writ may be issued are 'if it appears that the determination of an inferior court is wrong in law a writ of certiorari may be granted'. 'But where the proceedings are regular on their face and the court has had jurisdiction the superior court will not grant the writ of certiorari on the ground that the court below has misconceived the points of law. . . . It comes to this that when a court or a similar authority gives to itself a jurisdiction which it properly has not got, by taking an erroneous view of the law, a writ may be issued but there will be no writ if it makes a mistake in the law when acting in the exercise of a jurisdiction which it undoubtedly possesses'[3] This principle has been restated by the Madras High Court in a number of decisions. For example, the Executive Officer of the Saidapet Municipality included the names of certain persons in the assessment lists as though they were exercising some profession so that their names may be included in the electoral roll. An objection petition was filed before the election officer requesting him to enquire into the correctness or otherwise of the entries in the assessment lists. But according to election rules the duty of the election officer was simply to see that the names of all persons who paid all their taxes before the end of the previous financial year were included in the electoral roll. It was none of his business to enquire into the

[1] Govindaswamy Pillai *v.* Rangaswamy Pillai. 62 M.L.J. 647.
[2] Desai Chettiar *v.* Chinnaswamy Chettiar. 56 M.L.J. 162.
[3] Shanmuga Mudaliar *v.* Subbaroya Mudaliar. 63 M.L.J. 932,

correctness of the assessment lists. The Election Officer, therefore, rightly refused to accede to the request of the petitioner. The High Court was moved for the issue of a writ of certiorari to quash the proceedings of the Election Officer. But the High Court held that the Election Officer acted within his jurisdiction and that the proceedings were regular.[1]

But where the courts have acted in excess of their jurisdiction, the writ was issued. It is the policy of law to keep the inferior courts strictly within their proper sphere of jurisdiction. Whether the courts have acted within their jurisdiction or not depends upon the preliminary question of law or fact and this should be decided before issuing a writ of certiorari. If the High Court is satisfied that the inferior tribunals have exceeded their jurisdiction a writ may be issued. For instance, according to election rules for the election of Chairman of a municipal council no candidate whose name has been proposed and seconded shall take part in a ballot. But the Chairman of the Negapatam Municipality whose term of office was about to expire, presided and acted as returning officer even though he was one of the candidates. He secured the largest number of votes and was declared elected. An election petition was filed contesting the validity of his election. The lower court set aside his election. A revision petition was filed in the High Court. Wallace J. who heard the petition said that though the petitioner had violated the election rules by presiding over his election it was not shown, as required in a subsequent rule that the election was materially affected thereby. According to election rules, no breach of rules shall invalidate an election unless the result of the election has been materially affected by such breach. This point was not considered in the lower court and therefore it was held that the subordinate judge exercised his jurisdiction with material irregularity. The order of the subordinate judge was set aside and the case was referred back for retrial according to law.[2]

As regards the jurisdiction, the Madras High Court, according to a recent decision of the Privy Council, has no authority to issue the writ of certiorari because the Supreme Court whose powers the Madras High Court inherited, had no right to issue the writ of certiorari beyond the Presidency town to Indians or courts of the company in mofussil. The extra local jurisdiction was confined to British subjects. In other words the authority of the High Court to issue the writ of certiorari is limited to the acts done or proposed to be done within the limits of the ordinary original civil jurisdiction of the Court.[3]

Power to order public servants to do certain specific acts.—The High Court of Madras may make an order requiring any specific

[1] Syamasundaram in re. 62 M.L.J. 644—See also Govindaswamy Pillai *v.* Rangaswamy Pillai, 62 M.L.J. V. Thyagaraja Chettiar *v.* Secretary to Government, Local Self-Government Department. 1939 M.L.J. 801.

[2] A. J. Marakayar *v.* Basava Marakayar, I.L.R., 1923 M. 1-123. Palaniappa Chettiar *v.* Krishnaswamy Chettiar, I.L.R., 1925. M. 877.

[3] Ryots of Garbandho *v.* Zamindar of Parlakimidi, 1942-3, M.L.J., 254.

act to be done by any person holding a public office. In other words, the principles governing the issue of a writ of mandamus apply to a large extent to the granting of relief under Section 45 of the Specific Relief Act. The writ of mandamus is an order issued by the courts commanding the person holding a public office to do a specified thing.

The principles on which a person holding a public office may be ordered to do a specified thing are, a petitioner praying for the issue of the writ should show that he had a specific legal right but no specific legal remedy for the enforcement of that right; secondly, that he claimed the exercise of that right and that his claim has been refused; thirdly, that a duty towards the applicant had been imposed upon the public servant and finally that he is acting with a *bona fide* intention for the enforcement of the right and not with any ulterior motive.

Ordinarily the writ will not be issued when there is another specific and equally effective remedy for enforcing the right. That is, where the statute creates a duty and at the same time prescribes the method by which the duty is to be enforced the performance of the duty will not be enforced by any other method than that prescribed. This principle was laid down in 'The Inspector of Municipal Councils *v.* Venkatanarasimham'. In this case the names of some persons were entered in the electoral roll for the Kavali taluq, Nellore District, though they ought not to have been entered as they did not possess the prescribed qualification on the date of registration. The remedy was to file an election petition before the election officer, and if the petitioner was not satisfied with the decision of the election officer he should prefer a revision petition before the election court. In this case the defendant exercised both the rights. The election officer rejected his petition and against that decision he filled a petition in the election court. Before the court gave its decision he moved the High Court of Madras to issue the writ of mandamus. Justice Stone heard the petition and granted the writ. Against the decision of Justice Stone, the Inspector of Municipal Councils preferred an appeal. In disposing of the appeal Reilly, J., said, 'The petitioner was aggrieved because his objection to entries in the electoral roll had been overruled by the election officer and against that grievance law had provided with a specific remedy . . . a right of appeal and that right he had exercised. . . . In my opinion the right of appeal which the petitioner had against the election officer is a complete bar to his application to this court under Section 45 of the Specific Relief Act 1887.[1]

It should, however, be noted that a writ of mandamus may be issued even though a remedy equally convenient, beneficial and effectual exists provided public policy requires; or where public authority is refusing or neglecting to carry out duties; or where it

[1] Inspector of Municipal Councils *v.* Venkatanarasimham—*op. cit.*

is acting in deliberate contempt and defiance of the legislature; [1] or where the alternative method is not so convenient as a writ of mandamus would be. Therefore while exercising their discretion the courts should not lose sight of the principle of general expediency.

Secondly, the writ should not be issued under this section to enforce the general law of the land.

Thirdly, no writ should be issued unless the remedy afforded will be complete and effective.

Finally, the writ should not be issued to compel a council or its servant to carry out a statutory duty which is merely permissive and not obligatory. Further even where it is issued it does not command in what manner the authority concerned should perform the duty.

Ordinarily, the writ will not be issued as long as the statutory authority concerned exercises its jurisdiction within its limits. It is issued only when he acts without jurisdiction. This principle was laid down in a number of judicial decisions. For instance, the Building Committee of the Calcutta Corporation sanctioned the plans for the construction of a building in disregard of the building rules and the provisions of the Municipal Act. One of the neighbours moved the High Court for the issue of a writ of mandamus on the ground that his property would be injured if the building was allowed to be constructed in violation of the building rules. The High Court issued the writ of mandamus. In doing so Amerali, J., said, 'I have no hesitation in holding that the provisions and restrictions especially designed for the benefit of the adjacent owner have been disregarded so as to cause him injury. The Corporation have, on the evidence before me, refused to carry out their duties. They have not dealt with the plans and have refused to deal with the plans according to their own act'[2]

As regards the jurisdiction, the High Court alone can issue a writ of mandamus. Under the Specific Relief Act the jurisdiction of the court is confined to the acts done or proposed to be done within the limits of the ordinary original civil jurisdiction of the court. The High Court is prohibited from applying the principles of mandamus to the acts without the ordinary original civil jurisdiction of the court. Justice Reilly said in the Inspector of Municipal Councils *v.* Venkatanarasimham, 'It appears that the Inspector has his office in Madras and we may infer that his circular was issued from his office in Madras. But the interference by that circular with the functions of the District Election Officer . . . . could never take place within the limits of the ordinary original civil jurisdiction of this court. Because, as is admitted, the District Election Officers perform their functions in the mofussil outside the ordinary original civil jurisdiction. To attempt to prohibit

[1] Robson—*op. cit.*

[2] In re. Lakshimoni Dassi *v.* Calcutta Corporation. I. L. R. 1941 Cal. See also Hirendranath *v.* Calcutta Corporation, I. L. R. 1941. Cal. 435.

the Inspector from doing anything to interfere with the functions of the District Election Officers, who exercise their functions in the mofussil, however laudable, would be obviously to transgress the jurisdiction given to this court under Section 45 of the Specific Relief Act '[1]

Every application for the issue of a writ of mandamus must be founded on an affidavit of the person injured, stating his right in the matter in question, his demand for justice and the denial thereof.

We have so far examined the various methods by which the judiciary controls municipal administration. It remains for us to note its merits and demerits. Its great merit is that it keeps the municipal authorities within their limits. It induces them to act wisely and to refrain from arriving at unwise decisions. But it suffers from a number of limitations. Firstly, it is passive and inactive until called upon by some interested party to exercise its jurisdiction. The initiative must, therefore, be taken by the person aggrieved. The judge himself is powerless to initiate the proceedings and act independently. He 'must wait, spider like, till some one enters the web of his jurisdiction' [2] Very often judicial intervention comes into operation after the act had been committed or about to be committed.

Secondly, it is expensive and inaccessible to one and all. The procedure is complicated. The municipal authorities are in a better financial position than a private individual. They may employ the most expensive counsel. Even if the private individual wins in the lower court he may have to respond to an appeal in a higher court. Therefore only those who have wealth and leisure can undertake litigation. Many an aggrieved person, unable to finance an expensive litigation, bear patiently all the wrongs committed by the municipal authorities.

Finally, an invidious distinction is being made between the Presidency Town and mofussil towns. The prerogative writs like mandamus and certiorari are only applicable to acts committed within the ordinary original civil jurisdiction of the Madras High Court. In other words people living outside the limits of the Madras City are denied of this privilege. It should be remembered that these two ancient writs constitute a remedial process of extraordinary nature available only when no other suitable remedy exists. The importance of these writs can only be established if only we glance at the misdeeds of some of the administrative tribunals. In the Zamindarini of Mandasa *v.* Ryots of Mandasa Zamindari, it was found that the Board of Revenue failed to exercise a jurisdiction which it was bound to exercise'.[3] In Ramalingam Chettiar *v.* Debt Conciliation Board, Dharmapuri, it was found that the

[1] Inspector of Municipal Councils and Local Boards *v.* Venkatanarasimham 66. M.L.J. 237.
[2] Robson: Justice and Administrative Law, p. 74.
[3] 65 M.L.J. 423.

Board exercised a jurisdiction which it did not possess [1]. In Devisikhamani Ponnambala Desikar *v.* Hindu Religious Endowment Board it was found that the Board acted in a perverse manner [2]. In every one of these cases there was no other remedy except the prerogative writ certiorari. The need for the existence of this remedy is all the more greater today, especially when we remember the increasing importance of the administrative tribunals performing judicial functions. It is the only effective way by which courts can review administrative acts. But the recent decision of the Privy Council will in future preclude the High Court from issuing the writ of certiorari. It appears to us that as there is no need to perpetuate any distinction between the Presidency Town and mofussil towns in this matter, legislation should be undertaken at an early date to amend the acts concerned.

[1] 1941, M.L.J. I. 108.
[2] 1941, M.L.J. II. 175.

Future prospects of War-expanded Industries. By R. Balakrishna, M.A., Ph. D. (Lond.). Rochouse & Sons, Ltd., Publishers, Madras. Price As. 12. Pp. 46.

This timely and well written brochure deals, against the background of war economy, the nature of industrial expansion that has taken place in India and the problem of transition to a peace-time economy. Dr. Balakrishna rightly links up the short-run transitional problems with the long-range policy of economic development of the country on which alone economic progress and well-being depend. Indian industry, the author points out, has shown a remarkable capacity in adjusting itself to war-time requirements as is witnessed by the cotton textile industry, jute industry, iron and steel, leather, paper, etc. New industries, like aluminium, machine tools, chemicals, glass, have sprung up in the country. These new industries are not 'hot-house plants' bound to wither away by a change in atmospheric conditions, but acclimatized plants which, given proper care and attention by the State, will show rapid and healthy growth. For tackling the problem of reconversion of the war-economy to peace-time requirements, the proposal is made for setting up five boards by the Government to deal respectively with public works programme, readaptation of plant, protection to industries, demobilization of soldiers and workers and reorganization of small scale industries. The war-time expansion of the key industries like iron and steel and chemicals is twice blessed; it has helped in forging the weapon of war and it will help in the future by furnishing a basis for the industrial development of the country. Regarding the future pattern of Indian economy, the author visualizes the scientific development of agriculture, the development of secondary and heavy industries which will remove the present occupational mal-adjustment in India and increasing Government control over the economic life.

The pamphlet is packed with useful, informative material which well deserves careful study.

R. N. Poduval.

India Quarterly.—January 1945, Vol. I, No. 1. Published by the Oxford University Press. Price Rs. 2-8. Pp. 104.

The *India Quarterly* is being published by the Indian Council of World Affairs. The main objective of the Quarterly is to aid the formation of informed public opinion on world affairs. The volume under review contains a number of very interesting articles contributed by eminent men. The first among them is by Sir Maurice

Gwyer on 'Approach to the Indian Constitutional Problem'. Here Sir Maurice gives expression very candidly to some of his views on the Government of India Act of 1935. He lays emphasis on the honesty of purpose behind the Act. According to him the social structure of India should undergo a change to harmonize with the type of constitution she aspires to have. It might have been helpful if the manner in which the change should occur had been suggested. On the Pakistan question the author seems to favour separation on the analogy of England and Scotland, Norway and Sweden, etc. Finally he suggests that by means of committee work the hammering out of a constitution for India would be easy. This technique is not altogether unknown in India, but the issues of our country and the approaches to them are of such a character that they do not seem to be easily amenable to any solution.

The next article is on the 'Stabilization of Currencies and Prices' by Dr. V. K. R. V. Rao. At the outset Dr. Rao gives a brief historical retrospect of the Indian currency and exchange till the outbreak of the present war. His diagnosis of the essential difference between the last war and the present one with regard to the behaviour of exchange rates and prices is very instructive. Whereas exchange stability was maintained during the present war, prices were allowed to rise to an unprecedented level. This has been caused by the enormous expenditure in India on account of the war and by the scarcity of consumers' goods. With regard to the alternative methods of stabilization Dr. Rao is not in favour of either appreciation or devaluation of the rupee. He feels that this decision has to be taken in spite of the fact that the present currency position in India provides arguments in favour of both appreciation and devaluation. He also assumes that the present *status quo* regarding the link with sterling should continue in the absence of any other suitable alternative. His suggestions about the liquidation of the sterling balances is practicable and fair to all parties concerned. He pleads that a part of the sterling balances may be made available to India by raising a loan from the International Bank, the amortization amounts for which should be paid by the United Kingdom.

The article on the 'Future of Dependent Economies' by the Gokhale Institute of Research provides us with a valuable angle of approach to a study of the results of Western impact on India and other backward countries. It is pointed out these areas served a distinct purpose in the maintenance of world's economic balance and this process has had serious repercussions on their economic organizations. The one-sided development of our economy has rendered it more vulnerable to world economic depressions. In fine, as indicated in the article, it is the dependent economies that have borne the transitional costs of Industrial Revolution.

Among the other articles in the Journal the one on 'Trade Between India and Australia' by T. K. Critchley is of economic interest. After giving an analysis of the composition of interna-

tional trade between the two countries the author holds out a hope that there is a prospect of an increase of Australian trade with India in future as a result of the inability of Japan to regain her pre-war export trade to India. This no doubt is welcome, but it is worthwhile examining to what extent there can be a corresponding increase in the export of finished products instead of raw materials to Australia.

The three Articles on China, Future of Burma, and Indians Overseas give a fund of valuable information about their internal political and economic conditions. This knowledge is very helpful indeed in forming correct opinions about them. In the article on 'War in the Pacific' there is a detailed account of the various stages in the Japanese campaign. The Japanese failure is attributed primarily to their concentration on the time factor to the neglect of the space factor. The last article, though by no means the least, is by Mr. Chelapathi Rao. It is a brief but interesting survey of India's participation in international conferences during recent years. The main emphasis in the article is on the insignificant achievements of India at these conferences. Though this is largely true it is the only means of establishing contact with other countries and ascertaining the exact place of India in a comity of nations.

Finally, it must be said to the credit of the Journal that the quality of its articles is of a very high order. If the same quality could be maintained, which is not an easy task, it would be a very valuable vehicle of thought.

R. BALAKRISHNA.

On Indian History, By D. P. Mukerji 'Hind Kitabs, Bombay'

This booklet of 102 pages puts forth an eloquent plea for a new approach of studying Indian History, especially its methodology. The Author is all admiration for Marxian methodology of History and emphasises the pursuit of that method in our study of history. To say that History should be treated as a science can be accepted and much may be said also in favour of a sociological approach to it. Emphasis is laid on the Marxian 'specification' and the 'specificity' of Indian History. One is as vague as the other. There will, however, be general agreement when the author remarks that a critique of Indian History is the supreme need of the hour.

V. R. R. DIKSHITAR.

B. C. Law Volume, Part II. Published by the Bhandarkar Oriental Research Institute, Poona (1946).

The volume under review is a fitting tribute to the scholarship of Dr. B. C. Law paid by his friends and admirers. The formidable list of contributions in this part shows the great esteem and respect with which this selfless and distinguished worker in the

field of Indology is held. Not only Indian scholars but also scholars of the West have contributed to make this volume a real success.

It is not possible to go into all the articles in this very attractive volume. Most of them are positive contributions to our existing knowledge. Sir Richard Winstedt heads the list in this part and writes an interesting essay on the Malay version of the Ramayana. This is followed by the equally profound paper on the Officials of the Court of the King of Satara. A.D. 1822, by Mr. R. E. Enthoven. Reformation of the Sangha and Buddhist revival in Ceylon in the 18th century is a learned contribution from the pen of Sir Jayatilaka. The well known Mahamahopadyaya P. V. Kane's paper deals with the relationship between Kautalya's Arthasastra and Matsyapurana quoting parallel texts. There are several good articles on Buddhism and Jainism. Dr. Jain's paper on a Hidden Landmark in the History of Jainism will be read with great interest. There are other papers on different topics. M. M. Vidhusekhara Bhattacharya deals with the ideal of education in Indo-Aryan society while Dr. Syama Prasad Mookerjee bestows some thoughts on Education in India including the present period. Among the articles relating to the medieval period, Muslim Patronage to Sanskrit learning by Prof. C. Chakravarti, Akbar's Tomb at Sikandara by Dr. S. K. Banerji, Sufis and Music by Dr. M. L. Roychoudhury Sastri, and the Art of the Marathas by Dr. Goetz may be specially noted. There are articles on iconography, architecture, biography and philosophy. Other articles of note are by F. W. Thomas on Devaputra, and by Dr. B. M. Barua on the Indus script and Tantric Code, which is a new approach to decipher the script.

Thus this part of the volume contains papers of varied interest affording a very profitable study to students of Indian History and Culture. We daresay Dr. B. C. Law deserves this honour not only for his own original and solid contributions but also for his wide patronage of Indian arts and letters.

V. R. R. DIKSHITAR.

English Translation of Tolkappiyam—The Classic Tamil Grammar.

Tolkāppiyam-Colladhikāram with an English Commentary. By Vidvaratna Dr. P. S. SUBRAHMANYA SASTRI, Professor of Sanskrit, Annamalai University, Annamalai University Tamil Series, No. 9. Editorial Preface by Prof. T. P. Meenakshisundaram Pillai, (1945)—Price Rs. 5 (7*s*.).

Dr. Subrahmanya Sastri has been, for some years, pursuing his study of Tolkāppiyam with indefatigable energy. Eḷuttadhikāram has been the subject of two commentaries by him, one in Tamil and another in English. He has already published his notes in Tamil on Coḷladhikāram, and this work has raised a

storm of controversy among Tamil scholars and it has not yet completely died down. The present volume purports to be his commentary in English on the same section of Tolkāppiyam. It has been the author's desire 'to see this work in print so that all scholars who wish to do research work in Tamil, Malayalam, Telugu and Kannada may make good use of it.' Actuated by such a laudable desire, Dr. Sastri has undertaken an onerous duty.

The book is evidently meant for foreign scholars who do research in Dravidian Languages. Tolkāppiyam is the earliest of the extant Tamil grammars and if properly understood it is sure to be of immense help in studying the development of Tamil and its cognate languages. The Sūtras of Colladhikāram are given by Dr. Sastri in Tamil; then transliteration appears, followed by translation, illustration and notes (which are scholastic rather than scholarly). In a learned preface the author deals with several interesting questions including Tolkáppiyar's date. He has no hesitation in saying that the Tamil Grammarian was conversant with Kāmasūtra (c. 4th century A. D.) and yet asserts that he cannot be later than the 2nd century B. C. Mentioning the great commentators on Tolkāppiyam in order, he includes himself among them and (out of modesty) ranks himself last!

These are comparatively minor blemishes. More serious are his translations and interpretations. The General Editor, Prof. T. P. Meenakshisundaram Pillai, has noticed some of these defects and we are constrained to endorse the view he has so moderately expressed. Even ordinary sentences are not understood. 'Eyilai iḻaittān' at p. 70 is translated as 'He painted the fort.' The commentators clearly explain this and it means 'He constructed the fort.' 'Pakaivarai vekuḷum aracan' in p. 71 is translated as 'King who scorns his enemies.' The meaning is 'King is angry with his enemies.' Verses are ruthlessly murdered. A Kalittogai verse at p. 74 is rendered as 'Harlotry which destroys the virtue of flower-eyed women', whereas it really means 'the infidelity of the lover whose deceitfulness destroys the beauty of the flower-eyed women.' Two lines in Puram at p. 77 is translated thus: 'So that the hundred may die in battle being treated with indignation by the five.' I shall not attempt to mar the beauty of this exquisite rendering!

Of the author's translation of sutras and his interpretations, I shall content myself only with one instance. At p. 276 is given the sutra 'Koḍu-v-en kiḷavi uyarntōn kūṟṟē.' This is translated thus: 'the root Koṭu is used when the recipient is of superior status'. An example, 'Peruñcōṟṟu mihu padam varaiyādu koḍuttōy' is given and this is rendered thus: 'Oh King, who gave large quantities of food unflinchingly'! The imperative verb 'koḍu' has a very interesting history. During Tolkāppiyar's days, it was used when a person of a superior status asked his inferior to give something to a third person. Hence this verb was regarded by him as belonging to Paḍarkkai (third person). Compare the next sutra;

'Koḍu-v-en kiḷavi paḍarkkai-y-āyinum.' So the statement 'when the recipient is of superior status' is a mistake and the translation should run thus: 'the word "koḍu" is the expression used by a person of a superior status.' The status of the *recipient* does not arise at all and it is entirely irrelevant. The expression 'enakku-k-koḍu' was considered by Tolkāppiyar as a violation of proper usage.

In spite of such defects, the work is likely to be useful to the discerning scholars. We hope Dr. P. S. S. Sastri will very closely revise and bring out an improved edition. In this connection, we cannot but notice that the Tamil Department of the Annamalai University is saddled with a work done by the Head of the Sanskrit Department. This is not usual.

S. VAIYAPURI PILLAI
1-9-46.

Daya Vibhaga,—By I. S. Pawate of the Bombay Provincial Judicial Service (1945). Price Rs. 2-8-0. (Pp. 188+viii.)

It can be legitimately asked, of what use can a study of the Mitakshara Law (with which the book under review purports to deal) be, now that there are efforts to supersede it by a Hindu Code? But it has to be remembered that the Mitakshara system is an edifice reared up with great science and masterly skill. It has served the Hindu society and has helped it to hold its own against all sorts of invading forces for the last three thousand years and more. It has conduced to the economic safety and self-respect of women and children by providing that every person who enters the family either by birth or by marriage immediately gains an interest in the family property and in the property acquired by any member of the family. Those who are powerless to prevent the pulling down of it may at least be allowed to prepare a sketch of it and preserve it. And worth preserving it is, because its theory of Daya or Individual—Communal property with its flexible conceptions and adjustable 'obstruction' may yet help us some way towards a solution of the conflict between individualism and communism. This is the short answer which Mr. Pawate gives to the above query and certainly none can cavil at Mr. Pawate's plea for a study of our ancient legal literature though the question of their supersession by modern legislation is one on which divergent views may be held. Instead of disowning our ancient and hoary legal heritage completely and evolving a set of completely new legal rules merely for the sake of novelty by tearing out the old structure root and branch, the better course would undoubtedly be to improve upon the past by correcting errors and rectifying omissions. The cheap gibe of tinkering may be flung at such a procedure, but discriminating tinkering is surely better than utter demolition. But the one thing to be remembered in connection with the morass into which the Hindu jurisprudence has

landed itself is that the fault lay not so much in the system as in those who administered it. Mr. Nelson in his 'View of Hindu Law as administered by the High Court' complained of Sanskritists without law and Lawyers without Sanskrit. If law had early allied itself with Sanskrit the two would have formed an irresistible combination and the story would have been different, but that was not to be. It would be as difficult for and unreasonable to expect an inmate of the Inns of Court to appreciate the doctrine of right by birth as it would be for his Indian compeer to grasp the fact that private ownership of land is unknown in England. Hence by the combined effect of unsympathetic interpretation at alien hands and changing economic and social conditions, present Hindu jurisprudence has acquired its anachronistic tinge and has confessedly lost the capacity to adapt itself to and satisfy new social needs. To understand the causes of this failure aright is more than half the way towards accomplishing their removal. And towards such an understanding, books like Mr. Pawate's will assuredly make a substantial contribution and from that point of view they have to be welcomed. Mr. Pawate removes many misconceptions about Hindu Law, e.g., that the Hindu commentators recognise two modes of devolution of property, succession and survivorship. The true conception of heritage or daya, according to the Mitakshara, is that it signifies wealth which becomes the property of another solely by reason of relation to the owner. Mr. Pawate's chapters on Apratibhanda and Sapratibhanda daya, on Vibhaga, and the Individual—Communal Property of the Mitakshara afford interesting reading and Mr. Pawate has rendered a real service by delving into old and forgotten Hindu Law texts and commentaries and viewing them through plain glasses and not through the coloured spectacles afforded by such notions as succession, joint tenancy, etc., which are some of the fundamental axioms of the English system of jurisprudence. The book is eminently readable and bears the impress of an intimate acquaintance with the Sanskrit authorities and Mr. Pawate deserves the thanks of all students of Hindu Law and lovers of Hindu jurisprudence for his painstaking research.

K. VENKOBA RAO.

Nature of Consciousness in Hindu Philosophy. By Dr. S. K. Saksena, M. A., Ph. D. (Lond.). Nand Kishore & Bros., Benares (1944). Price Rs. 7-8. Pp. 223.

This is the Author's thesis approved for the Degree of Doctor of Philosophy in the University of London. It brings together in a convenient form the important discussions in the schools of Indian Philosophy bearing on the topic of consciousness. After sketching briefly the Vedic and the Upaniṣadic views about the nature of consciousness, Dr. Saksena deals elaborately with the treatment of the problem of consciousness in the classical schools.

He follows the dialectical method of establishing the final position through a criticism of the *prima facie* views. The standpoint which he adopts throughout the discussion is that of Advaita, in the light of which system he examines the rival theories. Ontologically, consciousness, according to the Vedānta of Saṅkara, is the eternal and independent reality. The epistemological nature of consciousness is that it shines by its own light, that, while manifesting objects, it manifests itself, and that it is foundational in the sense that, whereas all else is presented to it, it itself is not presented either to itself or to any other. Analysing the psychological nature of consciousness and examining the different theories of self-consciousness, the Author arrives at the Advaita conclusion that consciousness is distinctionless and non-dual. Such consciousness is not to be confused with the fleeting stream of empirical cognitions. Consciousness which is the sole reality is transcendental, being the ground and support of empirical plurality. In the penultimate chapter Dr. Saksena discusses the problem of consciousness and unconsciousness. He sets forth the Sāṅkhya and Advaita points of view in great detail and shows wherein they differ. While for the Sāṅkhya the principle of non-consciousness, Prakṛti, remains outside Puruṣa, for the Advaitin, Māyā is *somehow* included in Brahman. There could be no relation between consciousness and unconsciousness. The latter is only an appearance, while the former alone is the reality. In the Epilogue, the Author gives a résumé of the preceding chapters and brings out the difference between the European and the Eastern outlooks. He shows how for Indian thought the mind-body relation does not present a problem, as the mind too is considered to be a product of matter, albeit subtle. The dualism here is not of matter and mind, but of the noumenal Reality and the phenomenal world. And this too is transcended in supra-relational intuition. Such in outline is the thesis developed by the Author in this extremely interesting and well-documented book. Dr. Saksena poses problems squarely and gives his answers in clear terms. He has freely drawn from the writings of the major philosophers of the classical times; and in setting forth their views he is fair and faithful. His work is a valuable contribution to a clear understanding of one of the fundamental problems in Indian thought.

T. M. P. MAHADEVAN.

Gautama the Buddha. By Sir S. Radhakrishnan. Hind Kitabs, Publishers, Bombay (1945). Price Rs. 2. Pp. 65.

This is Sir S. Radhakrishnan's lecture delivered before the British Academy in 1938, and for the first time published in India. The theme of the Lectureship which is annual is a Master Mind. And it was particularly appropriate that Professor Radhakrishnan should have chosen for his theme Gautama the Buddha. In a

popular and fascinating style, the great *savant* presents in this lecture a penetrating analysis of the life and teachings of the Light of Asia. After rapidly passing in review the main events in the life of the Buddha, and indicating the inner meaning of some of the legends that have grown round the personality of the Exalted One, Prof. Radhakrishnan explains the principles of the Buddha's doctrine. The Four Noble Truths which constitute the foundation of Buddhism are that there is sorrow, that there is a cause for this sorrow, that sorrow could be removed, and that there is a means to the removal of sorrow. After expounding these Noble Truths in some detail, Prof. Radhakrishnan pleads for a correct understanding of the Buddha's teachings. Critics without a sense of history cannot hope to understand the Buddha's mind. The one great problem of his time was the problem of conduct. To solve this and to spread his solution among mankind was the mission he set himself to accomplish. Doctrinal controversies and metaphysical disputations which are prejudicial to inward peace and ethical striving the Buddha discouraged. That was why he was silent over questions regarding the transcendental Reality, His silence, however, has been wrongly interpreted by his followers and critics alike. A careful study of his teachings shows no warrant for believing that he was either a sceptic or an agnostic or even a mere positivist or humanist. His silence, in fact, was based on two considerations: first, his aim was 'intensely practical, to incite his listeners not to speculation but to self-control' (p. 43); and, secondly, like the Upaniṣadic sages, he realised that ultimate Reality was beyond the reach of speech and mind. If his teaching is studied in its context, it will not be difficult to see that he 'believed in a reality beyond and behind the phenomenal world, in a self over and above the empirical individual and in a positive conception of *nirvāṇa* as life eternal.' (p. 45). Such is, in short, Sir S. Radhakrishnan's view of the Buddha and Buddhism which the Professor puts in a language which is so convincing and mellifluous that it cannot but leave a lasting impression in the reader's mind of the glorious personality of the Buddha who came to India in an age when not only India but the whole world stood sorely in need of his message and ministry.

T. M. P. MAHADEVAN.

Supplement to the Madras University Journal

PRINCIPAL MILLER ENDOWMENT LECTURES, 1941–42

By

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GOD AND PROGRESS II

When we look at the course of human life during the last twenty-five centuries of recorded history and watch the story of man's achievements we notice one striking phenomenon, namely, the rise and fall of civilisations. Archæological investigation is slowly and laboriously unearthing the vestiges of the great civilisations of the past. It looks as if each civilisation was brought into existence to express one great idea.[1] In Ancient India the idea that was embodied was Dharma. All the kingdoms that flourished at that time with the great figures of their Kings and their ministers gave the fullest expression to this ideal of Dharma. Ancient Persia gave to the world the idea of Purity. The life and work of Zoroaster, the great teacher, who brought the heavenly fire to the world, consisted in shaping the polity of Ancient Persia to express the ideal of purity symbolised by the image of the Rising Sun. The next great civilisation of the past was that of Ancient Greece. This civilisation, which is the progenitor of modern European civilisation, gave to the world the message of beauty—beauty of the physical form, beauty of mind, and beauty of art. The world is yet to see such perfection of the physical form as was developed in ancient Greece. By means of their gymnasia and the encouragement of sports and healthy open air living, the ancient Greeks developed the finest physical bodies the world has ever known. The sculptures of Greece are among the noblest specimens of the plastic art. In beauty of mind, in the freedom of their speculation, in the fearlessness of their search for truth, the Greeks have set a pattern for all subsequent humanity. In literature, the Epic, the Drama and the Ode have set forms of expression to modern European literature. Greek Tragedy is justly famous. The next great civilisation of the ancient world was that of mighty Rome which gave to the world a splendid example of organisation, of law and order. The military system, the high sense of citizenship which is enshrined in the proud boast of the ancient Roman—*civitas Romanus hum* (I am a Roman Citizen)—and that splendid system of Roman law on which the modern science of jurisprudence is based—all these express the contribution that Roman civilisation made. In modern Europe the main note struck is Science. The discoveries of a series of brilliant scientific geniuses, the development of Navigation and the rise of Nationalism have been most remarkable in bringing about an immense growth of knowledge, world expansion and political liberty. In Nineteenth Century Europe, the modern world developed the highest form of political organisation—Democracy. Side by

[1] Cf. A. Besant *Dharma*.

side the gradual emancipation of the masses came into organised expression in socialistic theories and associations of the workers. The dawn of the present century in Europe saw an expansion in all directions. Civilisation as indicated by mechanical invention reached its greatest heights. Nationalism, aggressive and imperialistic, became the culmination of the outlook of the leading European nations. In the first decade of the present century Europe was at the peak of its glory. Too full of their material prosperity and the technical marvels of scientific invention, the European nations had no time for higher values. There were still some slices of the submerged dark world available for European ambition and possession that the call of the higher was carefully kept off. Then burst upon Europe the Great War of 1914–18. This was a testing time for European civilisation. Nationalism of a narrow type, combined with the exploitation of politically weaker nations, came to a climax. The War gave a death-blow to the smug self-satisfaction of European civilisation and started a searching of hearts. The grand idealism of Woodrow Wilson with his dream of a League of Nations captured, for a short time, the imagination of a few advanced elements in the modern nations. But when the practical minded statesmen, M. Clemenceau and Mr. Lloyd George, sat down to hammer out the details of the Peace-Treaty of Versailles it was veritably a triumph of sordid motives over the dreams of world-peace. Further parcelling out of the world into mandatory territories and protectorates, buttressing weaker nations with larger territory taken from the defeated, creating neutral zones—all the apparatus of future disputes—was provided by the Treaty. The subsequent fifteen years after 1918 made it clear that the aftermath of World-War I was bound to be a still Greater War. The phenomena of the rise of Mussolini and Hitler, and the reassertion of German militarism were the direct consequences of the humiliating treaty of Versailles. Hitler, the expression of the new spirit of Germany, found that the whole world had been parcelled out among the leading nations, namely, England, France, America and Russia. There was no breathing space for expansion for the ever-growing German power. Hedged all round with a number of minor states, the creation of various diplomatic moves, with no colonies for supplying raw materials and for providing a dumping-ground for its growing manufactures, Germany, conscious of its industrial supremacy in technique and organisation, found itself stifled for want of room to expand. When the organised might of the exploiting nations of the world with their powerful navies and control of key-positions in all the sea-lanes of the world shut out any possibility of oversea expansion, Hitler, by a series of bold strokes, began practising in Europe itself the very principles which had governed European expansion in other continents. That a civilisation whose prosperity is based on the exploitation of politically weaker nations is morally bankrupt, is being proved before our eyes by World-

War II that is raging and engulfing all the continents and nations of the earth. To the reflective thinker the phenomenon of Hitler and the present World-War may appear as the finger of God pointing the urgent need for transcending the limited concepts of domination by militarism, and nationalism which thrive at the expense and sacrifice of weaker nations. This lesson is perhaps needed, in the wisdom of God, in order to make humanity take the next step onward and realise a new manner of ordering international relationships.

It is also instructive to study the fall of a great nation like India and its present political subjection. Reflecting over the panorama of Indian History we may say that the fall of India is due to failure to keep true to its fundamental Dharma. We see in the course of the last twenty-two centuries, Indian civilisation was struck down by the incursion of foreign races. It is a well-proven law of history that when two different cultures come into conflict, the stronger always asserts itself. Have we not heard of the famous line, 'Captive Greece made captive her proud conqueror'? In the clash of cultures the Aryan genius absorbed all that was good and became more inclusive. In Art, in Religion, in Philosophy and in Literature, we have ample evidence of the vitality of Indian civilisation. But political subjection under centuries of foreign rule has driven the culture into the subjective sub-soil of our national life and has resulted in a dwarfing of the soul. Freedom is essential not merely for material well-being but much more for spiritual health. We have to lift life above the slavery to physical needs. Prosperity is not an end in itself but only a means for the expression of the soul. While other civilisations which were contemporaneous with ancient India, those of Egypt, Chaldea and Babylon, are dead and buried, the soul of India lives; but it lives as a form of the mind, a sort of national superconsciousness, hovering over the land through all its varied and chequered history as an ever-living spiritual presence, finding occasional expression for brief periods in the glorious achievements of some of the dynasties of rulers like the Mauryas, the Guptas, Harshavardhana, the Emperors of Vijayanagar, Akbar and the Great Moghuls and now in the British period of Indian History. This soul of India has been seeking insistent expression and pushing up into the life of the world a long line of seers and saints, sages and martyrs, heroes and artists, inventors and intellectual giants. Through them all the spiritual entity of Indian civilisation has achieved temporary embodiment while all the time remaining behind as a permanent background. The achievement of political freedom is a duty which the present inheritors of this great civilisation owe to the past in order that India's special note of spirituality may be sounded in the World-family of nations in the near future. In the wisdom of God it was perhaps necessary that India should lose political independence for a time in order that her culture and civilisation might fertilise the invading hordes from the

West and make possible the lighting of the torch of modern civilisation.

This brief glance at recent human history should be understood in the context of cosmic evolution. The Hindu theory of recurrent cycles, referred to in the first lecture, requires a fuller statement. The Puranas conceive of vast periods of time in which the cosmic process works itself out. The guiding principle of this scheme[1] is the Logos, that is, the Supreme Reality seen in its relation to the present world-order. We can distinguish three distinct stages in the total unfoldment of a world-order. The first stage is concerned with the development of matter. We could imagine a stupendous influence passing down from the Logos in his aspect as Brahma, the Creator, and putting into shape the various types of matter that are needed for the building up of a physical universe. Astronomy tells us that in a nebula a solar system is in the making. In the course of its rotation, the nebula, which is a hot mass of liquid and gaseous matter cools down and breaks up into a central body and a set of planets at different relative distances, all going round it in a definite order. Inside each of those bodies the matter cools down during long ages of time and various types of material forms are created. Then comes a second impulse from the Logos in his second aspect as Vishnu, the Preserver and Sustainer, when the divine life pours itself as it were into matter. Various combinations of this matter result in the building up of different forms. In the course of a long period of development, the second Wave of Life identifies itself with the forms by ensouling them and the various Kingdoms of Nature are brought into manifestation. This upsurging life ensouls kingdom after kingdom of nature—the mineral, the vegetable, the animal and the human. One interesting feature that requires emphasis is that it is the evolving life which develops the form according to the function. The view that found favour among the biologists of the last century was that the organ developed as a result of adaptation to environment and the function was differentiated. But the sequence is not correctly stated. It is the need on the part of life to exercise a particular function that develops the appropriate form and organ. When the ensouling life desires to function in a new way the matter that constitutes the form yields to the indwelling life. As the Upanishads put it, the primordial life thought, 'let me be many' and forms developed. As evolution proceeds specialisation takes place for more perfect functioning. This involution of Spirit or life into matter reaches its completion when all the orders of nature have been established. The Divine Life is thus fully involved in the manifested material universe. The highest of these forms of ensouled matter is the human.

Then begins the Ascent of Spirit. This aspect of cosmic activity is guided by the Third aspect of Logos, known as Siva, the

[1] I am indebted to A. Besant's *A Study in Consciousness* for the details of this paragraph.

Regenerator, whose function is to arouse the spiritual nature in all forms. In this work different levels of attainment are discernible. Slowly and gradually the Ascent of spirit from its involution in matter takes place guided by the impulses coming down from the Siva aspect of the Logos. This is the Evolution of Spirit. Increasing mastery over matter and its forms facilitates greater manifestation of the indwelling principle of life. This is seen in the gradual growth of consciousness in the animal kingdom, its perfection in the human, in self-consciousness. It is in man we find the highest manifestation of life, evidence of this ascent of spirit through all the lower forms, stage by stage manifesting power after power, till in man the capacity of reason enables him 'to dominate the Earth and its conditions, to handle the vast forces of nature' and we see the stage made ready for the fullest revelation of Spirit. The geniuses of humanity furnish us an unfailing record of the increasing power of the spirit. Through the various expressions of genius in the history of man during his fairly short tenure on earth the essential spiritual nature of reality is brought out. The different lines of great men and geniuses both in the East and West reveal to us their essential significance from the larger point of view. 'God has here and there on this long toilsome path of humanity placed men by the roadside, whose peculiar qualities enable them to produce from out of themselves, in sundry ways and by sundry means, words, sounds, colours and proportions, and to set before others images which emit a gleam of God's order.' (Soderblom's *The Living God*, p. 358.)

We can, for convenience of reflection, divide this consideration of genius into seven lines. Taking first science, particularly in the West, we see that at the beginning of European civilisation the encyclopaedic mind of Aristotle codified the knowledge of the ancient world. His love of research is attested by a small incident. His celebrated pupil, Alexander the Great, inquired of him if he could send him any precious souvenirs of his Eastern conquests. Aristotle is reported to have asked him to send specimens of new plants for his study. His thirst for knowledge was supreme. Archimedes, the Greek genius who invented the lever and is the father of mechanics, displayed increasing power of research. Every schoolboy knows the story of his having rushed out of his bath, unclad, in the full flush of his discovery of a scientific truth. He it was that said, 'Give me one firm spot, I will move the Earth from its position.' That same power of research was reborn at the dawn of the modern age in the astronomical discovery of Copernicus who revolutionised the European conception of the position of the Earth in the universe. Then follow a pair of scientific geniuses, Galileo and Newton, who together constitute the high water mark of scientific discovery. They display to an eminent degree the infinite patience of the investigator, the remarkable fidelity to fact and the revelation of the order of Nature, 'forging every truth in the teeth of irreducible and stubborn facts.' The same insight is

illustrated in the work of Einstein. The scientific line of inquiry as pursued by genius has helped to reveal that 'the ultimate natures of things lie together in a harmony which excludes mere arbitrariness.' 'Faith in the order of nature is made possible by a deeper faith. . . To experience this faith is to know that our experience, dim and fragmentary as it is, yet sounds the utmost depths of reality.'[1]

Taking next the line of philosophical genius, Plato in Ancient Greese put forward the doctrine of Ideas. In his philosophical synthesis the concept of value as ideal essences eternally existing, forming the Archetypes of the phenomenal universe was formulated in the most satisfactory way. His is one of the impressive statements of idealism. The Form of the Good as the highest reality and the source of intelligibility for every thing may be said to be one of the supreme statements of philosophic truth. Aristotle who followed him developed the complementary aspect of a realistic system of thought. Plotinus in the early centuries of the Christian era revived the vision of Plato and gave it a form which compares very admirably with the other vision of reality expounded by the monistic thinker, Sri Sankaracharya, in India. In Sankara's thought the vision of reality reaches its highest peak. In pointing to the Supreme Real which embodies all values beyond the unsatisfactory realm of phenomena, Sáñkara postulated the one undifferentiated Brahman as the meaning of all existence. He was followed by the other philosophical genius of India, Sri Ramanujacharya, who, in reaction to the Monism of Sánkara, conceived of the Absolute as a supreme personality. Cold and impassive, Sánkara's absolute had the brilliance, the loftiness, the unapproachableness, the arid perfection of a mighty Himalayan peak. To this Ramanuja added the conception of the Absolute as a living, throbbing, loving godliness restoring to the human soul an inalienable individuality and independence. By his doctrine of Bhakti and Prapatti, Ramanuja provided the fullest scope for the redemption of man. In modern philosophic thought the synoptic vision of truth is illustrated in the philosophical systems of Spinoza and Leibnitz, Kant and Hegel, Bergson and Radhakrishnan. Through the work of all these system-builders we feel the primacy of the Spirit as the supreme truth of metaphysical study.

Taking the literary line next we find again the same phenomenon—every genius expressing through the literary form the great spiritual truths underlying all life. Homer shows us human beings at grips with fate, with cosmic powers as actors in the human drama, where man by his will becomes a partaker in the forces that struggle for the triumph of the spirit. In the Mahabharata also we find a whole world of claims and counter-claims, forces of right and wrong ranged equally on opposite sides, the

[1] All quotations in the foregoing sentences are from Whitehead, *Science and the Modern World*, p. 23.

divine guidance and the final triumph of the right. The Greek Tragedians, Sophocles, Euripides and Aeschylus show us the play of passion, the struggle with circumstances, the inevitable working out of destiny and through them the greatness of human life. Lucretius and Virgil, the two Roman Epic poets have in their work shown the vast sweep of life. Dante in the Middle Ages took European Poetry to the greatest heights it has ever reached and in his immortal Epic, *Divina Comedia*, has encompassed in the sweep of his genius, heaven, earth and hell and given us a deep insight into the cosmic drama. In Indian literature the Epic poet Valmiki has painted a picture of human life on heroic proportions, of an ideal king, of the force of evil, of the conflict between the two and the triumph of the higher principle, and, incidentally, he has painted most idyllic pictures of the purest human emotions. Centuries later there dawned on the East the poetic genius of Kalidasa, who in his dramas and poems has lifted the Sanskrit language to the pinnacle of literary perfection. In his immortal masterpiece, *Sākuntala*, two fundamental truths are impressed—the triumph of purity of character and the sylvan charms of forest-life as the cradle of a great civilisation. Turning again to the West, we find in Shakespeare the expression of the universal genius of literature in his quartette of tragedies, *Lear*, *Macbeth*, *Othello* and *Hamlet*. The depths of despair, the heights of valour, intellect and power, the play of passion and the struggle with circumstance, character as destiny and the final assertion of the tragic intensity of life—are all plumbed to their imponderable depths by the measuring rod of Shakespearean genius. Milton with his high mission of justifying the ways of God to men, gave the supreme epic to the English language and through the grandeur of his theme and the sustained splendour of his poetic eloquence has revealed the message of poetry and the spiritual truth of literature. Tennyson and Tagore are the two poets in modern times who have been witnesses to the power of the Spirit. Tennyson, in his *In Memoriam* and the *Idylls of the King*, has given us his interpretation of life, showing us sense at war with soul and the struggle is shot through with gleams of spiritual light. Tagore in his poetry and in his plays and, much more, in his short stories, has given expression to his grasp of the fundamentals of life, his ever-living sense of the Supreme Personality of the universe, of the significance of sorrow and suffering, of the transforming power of the Spirit, which through every detail, small and great, reveals the message of all life, namely, the realisation of the Supreme.

On the artistic line we will pass in review some of the triumphs of sculpture, painting and architecture to see what they convey with regard to the meaning of life. In sculpture the Greek genius reached its heights. The marble work of Phidias and Praxiteles reveals the wonderful sense of form which they could impart to cold marble and make it literally speak to us of the sense

of beauty which is but a reflection in human terms of ultimate Beauty. We can go and stand gazing for hours on that piece of perfection Venus de Milo at the Louvre in Paris, and sense something of the vision of the great artist, Praxiteles, as he with chisel and mallet hewed out of the rough marble this perfect thing of beauty trying to express physical perfection in an immortal form. The simple yet majestic ruins of the Acropolis at Athens with the Parthenon at Athens give us some idea of the dignity and taste of Greek architecture. In the East, in the early centuries of the Christian era we find the Buddhist stupas being built. Most famous among them, the Sānchi stupa with its sculptured railings, even today after a lapse of over twenty centuries bespeaks the sense of power and form which expressed itself through the ancient artists. A few centuries later, we have the Chaitya Hall at Karla, and the marvellous frescoes at Ajanta. The ancient Buddhist monks in the midst of their life of contemplation and prayer, living in their cloistered cells, away from human contact, were seized by the impulses of the spirit to put into the form of these paintings some of the deepest experiences of the life of the Buddha. The scattered remnants that remain today, resisting the process of time and decay, tell us of the heights of artistic achievement. Indian Art and Architecture were and are primarily expressions of spiritual truth. In the South of India Temple-building flourished to an eminent degree. The Pallavas, the Chalukyas and the Hoysala rulers have studded the country with priceless monuments of sculpture and architecture. The extensive bas-relief at Mahabalipuram, the gopuram at Tanjore, and the Madura Temple are even today continuing to give us the message of spirituality. The stupa at Borobudur in Java and the temple of Angkor in Siam evidence the extent to which the Aryan artistic genius spread itself. They are both well preserved marvels which make us gasp in wonder. The Hoysala architecture and sculpture, fortunately preserved for us in a less mutilated condition in Mysore State vie with the rock-temple at Ellora for the place of the best preserved specimens of Indian architecture. The almost perfect temple at Somnathpur with its stellate towers and its sculptured friezes, consisting of rows upon rows of figures and figurines, of gods and goddesses, of processions and of animals, bespeaks the function of Indian architecture, namely, to represent in miniature the whole cosmos and the unity of all creation.

Switching back to European civilisation, the great trio of Italians, Michael Angelo, Raphael and Leonardo da Vinci, constitute the glory of European sculpture, painting and architecture. The genius of Leonardo is universal in its versatility. His two famous paintings, the Mona Lisa and the Last Supper convey the message of beauty of portraiture. Michael Angelo, great as a painter, great as an architect, the designer of the dome of St. Peter's at Rome, is the greatest sculptor of Europe after the Greeks. He has left behind him two immortal masterpieces which

to this day constitute the pride of Florence. His statue of Moses in the famous church in Florence is a most inspiring triumph of genius. Having stood face to face with it for hours, I feel that Michael Angelo must have had a vision of the progenitor of the human race, Vaivasvata Manu, something of whose power and dignity is conveyed to us as we gaze at the majestic figure, every detail of his beard and face and mighty form impresses on us what the artist conceived the ideal of humanity to be. Raphael in his painting of the Transfiguration, which is one of the wall-pieces at St. Peter's and in his picture of the sistine Madonna has given supreme expression to two important truths of Christianity, the birth of the Son of Man and the transformation into the Son of God. The message of Art through all the examples referred to is insistent and clear—that through Beauty we sense something of the Eternal. The ' artists are no mere dabblers in intellectual or emotional luxury. . . (but) are God's eyes and mouths and fingers working. . . in the vast studio of the cosmos.'[1]

Of statesmen who have shaped the destinies of mankind, we note Julius Caesar, the greatest Roman, who endowed by nature with a versatile genius, was a great soldier, a remarkable general, an orator, second only to Cicero, a great man of letters, whose masterpiece, the *Commentaries*, contains the finest ancient Roman prose, and lastly, the *Supreme Statesman*. His life work in the conquest of Gaul and Egypt, and the establishment of the Dictatorship, his organising genius and his codification of law—all contributed to the success of European civilisation for many centuries. In the 17th century there was that remarkable statesman, Cardinal Richalieu, who by his talents brought France to a high pinnacle and made possible the glorious success of the reign of Louis XIV of France. In the 19th century Prussia under the leadership of Bismarck laid the foundation of the Prussian military system. His organising power is responsible for the eminent position occupied by Germany in the present century. In the first quarter of the current century, the outstanding figure of Woodrow Wilson gave a new vision to humanity of the League of Nations which is yet a dream. Through all these statesmen the universal purpose is seeking increasing expression.

On the next line of study we can take some of the foremost military geniuses and rulers. Alexander the Great dreamed of world-conquest and the unification of culture. His military conquests laid the foundation of the Middle Eastern Civilisation; the great centre at Alexandria founded by him kept the lamp of learning lit for many centuries and functioned as the clearing house for the wisdom of the East in its intellectual commerce with the West. The Hindu Emperor Asoka, one of the greatest men that ever lived, after his brilliant military conquest of Kalinga, was overcome with a profound melancholy at the terrible waste of human life and took

[1] J. H. Cousins, *Renaissance in India*, p. 38.

a vow to establish a kingdom of righteousness, which he successfully achieved throughout the length and breadth of India. He is the unique case in history of an Emperor at the height of his earthly power, preaching Dharma through his edicts on rocks and pillars and converting a whole kingdom to ethical life. The Gupta dynasty in India, under Vikramaditya with its encouragement to the fine Arts and high grade of civilization is another landmark of genius. Among the great Mohguls, Akbar stands foremost, as a military genius, as a great statesman, patron of the arts and learning, a great administrator, and, more than anything, as one who synthesised the culture of Hindusthan. The debating halls of Fatehpur-Sikri, which exist to this day, may still retain the echoes of the religious debates in which mullah and pandit, padre and priest, all alike wrestled with the problems of existence and made illuminating discovery of truth through differing forms and creeds. His memorable experiment of the Din-illahi, the synthetic religion, pointed the way to the solution of religious conflicts ; but Akbar was centuries ahead of his time. In Europe, passing reference may be made to two military geniuses. Napoleon, the Corsican adventurer, the man of genius, rose on the embers of the French Revolution and built up a mighty French power, dreamed of a pan-European state, and came very near to achieving it. In the contemporary world, we have the phenomenon of Hitler, attempting before our eyes with remarkable effect a united European state, but through force. Through all these political figures, we see once again the upsurging life of God attempting one after another various steps for the unity of mankind.

Lastly, the line of religious geniuses may be considered. Foremost among them are the two personalities of Buddha and Christ. Socrates is a remarkable example of moral genius, comparable to Mahatma Gandhi of our own day. His life mission was gloriously consummated when he was tried and put to death by the Athenian democracy. He stood witness in his life and by his death to the supremacy of the moral principle. Joan of Arc, the mediæval saint, is an interesting illustration of an original religious genius. This illiterate peasant girl of Domremy, guided by the voices of her life, did incredible deeds of valour and heroism, led to victory the discouraged French armies and placed on the throne the king of France. Her martyrdom at the hands of cruel persecution and her death at the stake witnessed the triumph of the spirit over the ignorance and folly of blind, bigotted religious persecution. Similarly the Italian mystic philosopher, Giordano Bruno, hounded out from country to country of Europe for heresy, paid the price for freedom of opinion at the stake. Martin Luther represents in his life the fervour of purified religion. He was a practical mystic who gave a rational interpretation of the Gospels and inaugurated the reformed Church of Europe. In recent times the most remarkable religious genius has been Sri Ramakrishna Parama-

hamsa, who illustrates in his life God-realisation and spiritual outlook. All the religious geniuses point to the unity of all life and the supremacy of spirit.

This brief survey of the different types of genius shows very clearly that genius manifests the essential nature of reality reflected in human life. The impulse of the Supreme is all the time working towards greater fulfilment. Soderblom says, 'Genius is the continued revelation of the Supreme, seen throughout history.' One cannot put it better than in the words of Radhakrishnan when he says, 'When the supreme light in us inspires the intellect we have genius; when it stirs the will we have heroism; when it flows through the heart we have love; and when it transforms our being the Son of Man becomes the Son of God. Put the fire of spirit on any altar, it blazes up to heaven. Its powers are infinite, its dreams angelic, its apprehensions are godlike. Wherever there is genius, ardour, heroism there is the creative spirit at work. . . It is a glimpse of the divine. . . Inspiration in every one of its forms is a manifestation of the Universal Spirit in us.' [1]

The highest among religious geniuses, Buddha and Christ, who may rightly be regarded as the finest flowers of humanity, reveal in a greater measure the meaning of existence. In both cases we see the process of deification of life at work. The Christ-idea, namely, divine sonship, the phenomenon of Jesus realising divinity is a unique historical occurrence having symbolical significance. Human beings representing the highest products of creation, after reaching the upper levels of achievement, come to the point where they qualify for being taken up into divine sonship. This is an achievement which, in my opinion, is possible for every aspiring soul. If the central contention of these lectures, that the meaning of progress and cosmic evolution consists in increasing spiritualisation, is admitted it naturally follows that it must be possible for man to rise to divinity.

The great historical career of Jesus is truly symbolical. Christhood is a level of attainment to which advanced souls can rise by spiritual growth. It represents a fundamental truth in nature, the possession of certain characteristics, the holding of a certain office, standing to humanity in a particular relationship, the Son of Man rising to divine sonship. [2] The Christ-idea thus unites the highest human achievement with the supreme principle. The Christ is both God and man—man ascending to Godhead, and God descending to humanity. The function of Jesus Christ is to be a bridge between the Absolute Spiritual Principle and the human ideal of unselfish service. The various events of the life of Jesus can be studied in their representative character.

The Christ-principle is the reflection in the cosmic order of the second aspect of the Logos. When a highly advanced individual

[1] *Idealist View of Life*, p. 206.
[2] Cf. A. Besant, *Esoteric Christianity*, p. 145.

achieves a certain ethical perfection, he takes the first step of being born in Christ. The birth in a virgin's womb represents the vivification by the Logos of the primordial matter of the universe. The Baptism or the second step represents the descent of the spirit of the Logos on the chosen human being. After further qualification comes the third step of the Transfiguration on the Mount, which represents a brief period of standing aside from a life of ceaseless service before facing the great trial of the Passion, which is the fourth step. In this fourth step happens the great Sacrifice. Here the soul passes through the bitter agony of betrayal, of desertion, of denial and passing through physical suffering, deserted apparently by God, the soul dies to the life of the body. The agony temporarily blinds the vision, and the soul cries, 'O God, O God, why hast thou forsaken me.' After a brief descent into hell, the Son of Man rises to divine sonship. Radiant in the consciousness of death overcome, He becomes the Christ triumphant. This is the fifth step when manhood is taken into divinity. Such is the interpretation of Jesus Christ. [1]

Buddhahood or the attainment of Bodhi—Enlightenment is seen in another historical career with symbolical significance. Bodhi is attained when the soul has reached a certain level of spiritualisation. After a series of lives of rapid character formation, forging quality after quality, the great soul known as Gautama Buddha, in his last incarnation in India achieved the goal of human evolution and became the Buddha. The drama of his attainment can also be seen to consist of distinct stages. The first step was the vision of sorrow and suffering when in the midst of the lap of luxury the shock came to him of the sights he saw of sickness, old age and death. The second step was his renunciation of throne and family, going out to search for truth. The third step consisted of his practising various forms of asceticism, of torture of body, of hatha yoga, and as he was about to reach the truth, his body exhausted by privation he swooned. At the next step he went forward with the resolve never to rise again till the discovery of truth and sat under the Bodhi tree. On the last night of all he passed through the temptations of Māra, the principle of evil. The terrible struggle took place in the four watches of the night. With the approach of the dawn he had triumphed over evil and attained Enlightenment on Vaisakha Pournima day. Thenceforward he has continued to be, according to Buddhist belief, the first flower of our human race, the eldest brother of humanity, one who started his career in the present scheme of evolution and has attained Buddhahood. Sir Edwin Arnold says:

> 'This is that blossom on our human tree
> Which opens once in many myriad years—
> But opened, fills the world with wisdom's scent
> And love's dropped honey.'

[1] A. Besant, *Esoteric Christianity*, Ch. V.

One significant incident in the life of Gautama Buddha as recorded in the books brings out the symbolical character of this historical achievement. When after Enlightenment Gautama went about the holy land of Hindusthan preaching the Dharma, king Śuddhodana sent messengers inviting his son, the Holy One, to visit his kingdom. Accordingly, accompanied by his bhikkus, he reached Kapilavastu and camped outside the capital. He went into the streets of the city with begging bowl in hand receiving alms. The king having heard of his son's arrival went in his chariot accompanied by his ministers and, meeting Gautama in one of the streets, asked him, 'What is this? Why are you disgracing me by begging for food when the whole kingdom is at your disposal?' The Buddha replied: 'I follow the custom of my race.' At which reply the king retorted: 'Not so, your race have been kings and rulers for many centuries.' The Buddha replied: 'I speak not of your race, O king; but of the race of Buddhas to which I belong.' It was ever the custom of the race of Buddhas to renounce everything that the world holds dear, and to serve humanity by teaching Wisdom. And Gautama Buddha has further distinguished himself by taking a mighty vow that so long as a single soul remains entangled in samsāra he will renounce the heaven life and remain in contact with this world-system. This brings out the link of unity with all human kind. The spiritual status of Christhood or Buddhahood attained by any advanced soul is a gain for the whole of humanity. The religious books tell us that when any great soul takes a step nearer Godhead, the whole of creation rejoices.

The Hindu theory of incarnations expresses the same idea of the ascent of man through increasing spiritualisation. The ten incarnations of Vishnu, the second aspect of the Logos, take different forms; each form standing for a stage of evolution. Matsya, Kūrma, Varāha, Narasimha and Vāmana represent respectively the water stage, the amphibian stage, the mammalian, the semi-human and dimunitive stages of ascent. The incarnations as Sri Ramachandra, Parasurama and Sri Krishna are stages of human development. In the Rāmāyaṇa we have one incident recorded which confirms this idea of the Spirit of God taking up the spirit in man in order that a perfect life may be lived. According to the story, Sri Ramachandra, after bending the bow of Śiva and winning the hand of Sita is returning home. On the way he is accosted by Parasurama, who challenges him to bend the bow of Vishnu. Sri Ramachandra does it with ease. Thereupon from the body of Parasurama the spirit of Vishnu departs and enters the body of Sri Ramachandra. This event symbolises the attainment of a high spiritual status by Sri Ramachandra after he had qualified for it.

The avatāra of Sri Krishna is believed to be the pūrna avatāra or the perfect incarnation. In this manifestation some of the greatest lessons were taught to humanity. First as child

he charmed the hearts of all the families of Vraja, and by his winsome ways and playful mischief he taught many a lesson to the gopis and made them realise the divinity of childhood. Next as the destroyer of evil, be brought about the end of the several personifications of wickedness like Kamsa, Śiśupāla and Jarāsandha. Next, as the friend and kinsman of the Pāndavas he discharged important functions as ambassador and illustrated the dharma of peaceful settlement of quarrels. As teacher of Arjuna on the battlefield, he has given to humanity the loftiest spiritual instruction. Arjuna stands for the human soul and Sri Krishna is the Supreme revealing itself and instructing the human soul on its duty in life. The viśvarupa darśana, the vision of the Universal Form, gave Arjuna the privilege of witnessing in a glimpse the mighty drama of cosmic evolution. In every aspect, Sri Krishna illustrated the function of God or the divine principle in human life. God as child, God as destroyer of evil, God as the perfect statesman, God as spiritual teacher and God as the Universal Form—in all these aspects the purpose of incarnation has been fulfilled.

If we interpret the theory of Avataras from a deeper point of view, we learn that the purpose of cosmic evolution is the increasing manifestation of the Supreme Spirit. The highest achievement of human life is the realisation of spirit. The whole cosmic process, the evolution of world-orders, the development of nebulae, solar systems, kingdoms of nature—mineral, vegetable, animal and human—all these are the forms or material through which the realisation of spirit takes place. They are described in the Bhagavad-Gita as the Kshetra or the field for the Kshetrajña, the knower of the field, namely, the spirit in man reflecting the Universal Spirit.

What happens to the advanced souls when they reach the end of spiritual development? There is a Puranic statement that Hanumān, the great devotee of Sri Rama, is performing tapas in this Kalpa or world-period in order to qualify himself to become the Brahma of the universe in the next Kalpa. The idea that lies behind this belief is that when a great soul achieves a high state of spiritual power he could be put in charge of a whole scheme of cosmic evolution. Perhaps similarly many great souls after achieving highest spiritual attainment will be drafted on to other world-systems and schemes of evolution as superintendents and guides and ensouling principles.

In the light of the foregoing ideas, reinterpreting the theme of the Miller Lectures, 'The Inner meaning of human history as disclosing the one Increasing Purpose that runs through the Ages' becomes the increasing spiritualisation of life through the process of human history and organic evolution, through cosmic cycles and world orders, through the rise and fall of empires and civilisations and through the manifestation of genius in human life. The increasing purpose is the revelation of the supreme principle of all

reality. Such a revelation becomes possible when the spirit of man stands on the heights of attainment and views the whole spectacle of creation and development and joyfully takes upon himself the bonds of life in order to vindicate the triumph of spirit.

There are two striking symbols in Indian Art which bring out this significance most powerfully—the image of the Buddha seated in contemplation, and the dancing Nataraja. The Buddha is the symbol of imperturbable calm. This calm is born of intense realisation of the deep meaning of life, of the long view of cosmic progress, of a great power of understanding the lesson of suffering, the cause of suffering, and the way to the ceasing of suffering. As we imagine the dhyāni Buddha, seated in padmāsana, with sublime compassion for man, with his profound wisdom ever ready to help faltering humanity on its upward climb, we are able to catch something of the strength of soul, the depth of power and the triumph of spirit over matter which that form symbolises.

The dancing Natarāja is another effective symbol. It is the image of activity in repose. The dance itself is the rhythm that has attained the poise of perfect inactivity. As the cymbals and bells beat in unison with the movements of the limbs, as the swaying rhythm accompanies the fundamental cosmic steps and brings out of them a splendid poetry of motion, a permanence in flux, an activity in balanced repose, we are able to visualise the supreme principle of life in this vast cosmic play. That ecstasy which shines through the bliss of Nataraja gives us in an epitomised form Sat, Chit, Ānanda,—Sat is the stillness, Chit is the activity and Ananda is the poise. This is the visual representation of the Cosmic process expressing the joy of spiritual realisation. The joy is the result of the triumph over matter, and the dance is the manner in which the transmutation of matter takes place.

Another helpful symbol which occupies an important place in the Hindu religious practice of sandhya is that of the Rising Sun. The Sun stands for the Logos of the Universe. The flaming light is an exquisite example of an ever active yet ever steady life. The flame is the visible expression of a continuous unceasing activity of combustion, which at the same time maintains the sameness of an outer form. The Bhagavad-Gita uses the simile of a lamp in a windless place which flickereth not, to suggest the controlled mind of a Yogi in contemplation. The flame has no attachment. It consumes everything given to it, and, out of it, it brings forth Tejas or light. This is typical of all spiritual activity. Taking abode in matter with all its deficiencies and modifications, the spirit transforms it and makes it reflect the Supreme Life. This is the sacramental view of reality. Dean Inge defines a sacrament as something, which in being what it is, stands for something more. Every sensible object can become the visible symbol of a spiritual reality. That is the only way of interpreting the

universe and its forms. It is not without significance that the Upanishadic seer stood before the Rising Sun and exclaimed:

> Hiraṇmayena pātrena
> Satyasāpihitam mukham
> Tattvam Pūshan apāvṛṇu
> Satya dharmāya dṛṣṭaye.

'The face of truth is hidden by a golden veil, O Pushan, unveil in order that we the devotees of truth may see.'

The greatest help in spiritual realisation is given by the symbol of the Sun. The Gāyatri mantra is an invocation to the Supreme Spirit, embodied in the Sun, calling upon the Supreme to arouse the spiritual power in man and reorient the individual with the life of the Universe.

Conclusion

One last word. We are living in exceptional times. The most terrible war known to history is raging and we are being drawn into the very thick of it. Man's civilisation and the triumphs of his scientific achievement are being belied and put to devilish uses. Even in the days of Rameses II and Nebuchadnazzar war did not mean the fiendish cruelty it has become today. While those in the fighting ranks are distinguishing themselves by strategic withdrawal, and tactful evacuation, thus reducing the destruction of the fighting strength, innocent civilians, men, women and children, in defenceless cities and towns and villages, are being daily bombed to destruction as the regular part of legitimate warfare. If this is the pass to which the mighty modern civilisation has come, one may reasonably wonder if the crisis that has overtaken humanity is not its last gasp before extinction. To talk of Progress and the purpose of the Ages would seem strangely out of tune with the times. But the main contention of these two lectures has been to view these questions from the spiritual outlook and see the processes of existence in the light of the Supreme Source of all life. From the cosmic point of view, the cataclysm to human civilisation that is enacted before our eyes becomes a minor incident in the long and toilsome efforts of creation to approximate to the spiritual reality. The Bhagavad-Gita has sounded the right note when it calls upon us to keep the banner of the spirit high and share the turmoil and face the struggle in order that what is best in humanity may get purified in the fire of suffering and shine as the pure gold that it is, being but the reflection of the Supreme Spirit.

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